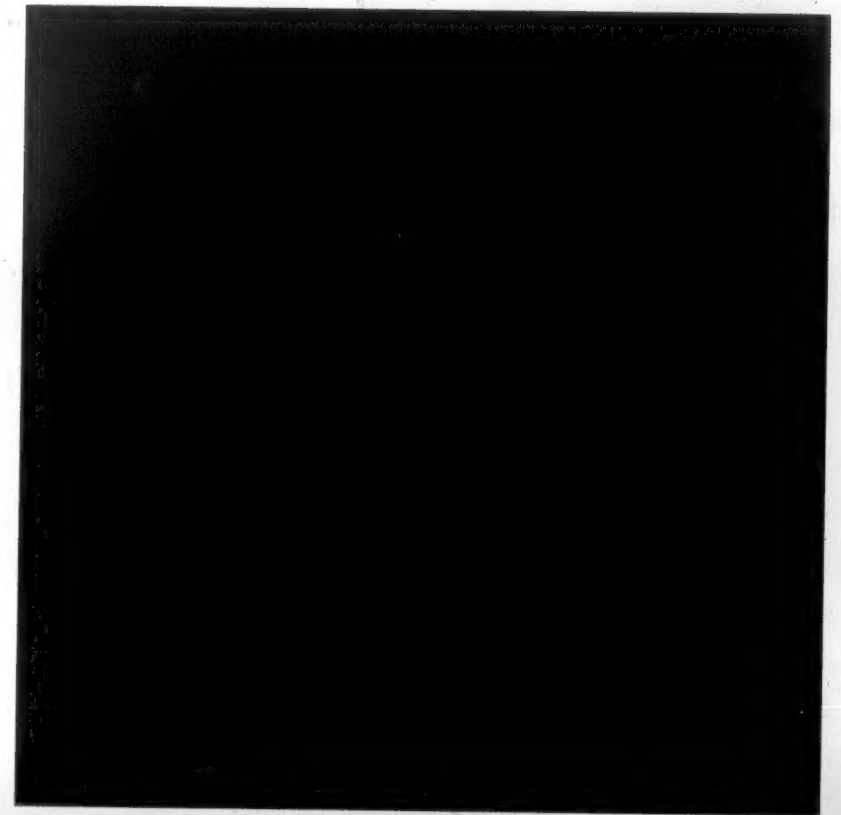
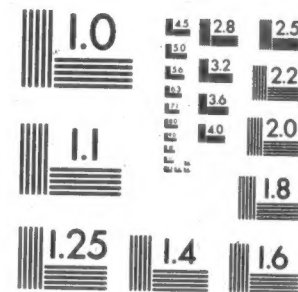
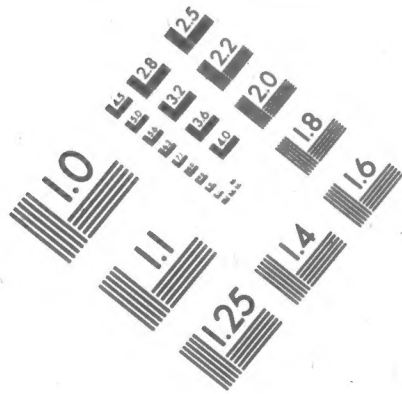
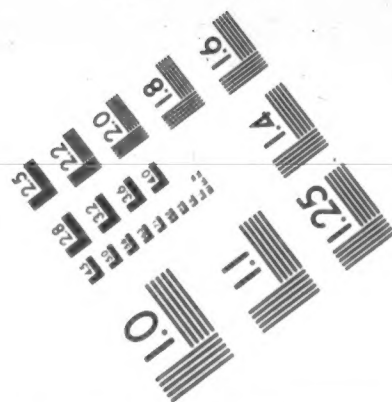
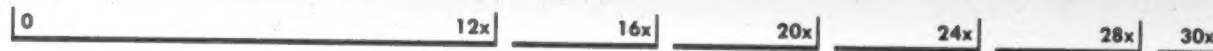


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 368

CHEROKEE FREEDMEN R285 - R312

THE NATIONAL ARCHIVES
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Cher. Fr. R-285

See
Cher. Fr. R 283- R-286

Squire Ward, C F 19615

Mellette & Smith, for applicants
W. W. Hastings for the Cherokee Nation -

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 2nd, 1901.

In the matter of the application of Abraham Ward for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Abraham Ward.
Q How old are you? A 55.
Q What is your postoffice address? A Wymer.
Q In what district do you live? A Cowassee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A One boy Artes Ward.
Q How old is he? A 15 years old.
Q Are you a recognized Cherokee freedman? A In part I am.
Q Is your name on the 1880 roll? A No sir.
Q Is it on any of the rolls? A The Kern Clifton roll and the Wallace roll.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1890 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kern Clifton roll examined and the names of the applicants found thereon as follows:

Page 125, No. 3117, Abraham Ward, Cowassee district.

Page 125, No. 3124, Artes Ward, Cowassee district.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 152, No. 3162, Abraham Ward, Cowassee district.

- Q Where were you born? A On Bates' place.
Q In the Cherokee Nation? A Yes sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Jim and Rosa Ford.
Q Were they Cherokee citizens? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A No, sir, after I was liberated I went into the Government service.
Q Where did you go? A In '62 I went into the 10th Cavalry.
Q What regiment? A Blount's Regiment.
Q Where did you enlist? A I didn't enlist, I was working for the officers, body servant.
Q Where did you go? A Went to Fort Hill, Arkansas, worked on the officers and after that I drove a Government team.
Q When did you return to the Cherokee Nation? A In the summer of '66.
Q Have you lived here continuously ever since? A Yes sir.
Q Are you married? A Yes sir, my wife is dead.
Q Was she the mother of Artes? A Yes sir.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A To Jim and Rosa Ford.
Q Did she live with you? A Yes sir.
Q When did she die? A She died about 1880.
Q How long after her death? A About 1880.
Q Where did she die? A She died in the fall and brought her.
Q How much of a family did you have then? A About all of my family were then here.

Q Did you live with Caroline until her death? A Yes sir.
Q Who were your owners? A Jim and Louise Ward.
Q And they were Cherokee citizens were they? A Yes sir.
By Mr. Mellette:
Q Have you a place on the Public Domain of the Cherokee Nation?
A Yes sir.
Q How long have you owned it? A Since '66.
By Mr. W. W. Hastings: The above question as to owning a place is objected to by the representatives for the Cherokee Nation because it does not tend to prove the issue.
By Mr. Mellette:
Q You have never lived out of the Cherokee Nation since your return in '68? A No sir.
By Mr. Hastings:
Q Your father was Peter Ward? A Yes sir.
Q Are you his son? A Yes sir.
Q Are you his oldest son? A Yes sir.
Q You went to Mound City Kansas didn't you? A Yes sir after I quit driving Government teams.
Q That is in Linn County? A Yes sir.
Q Do you know Quaky Brown? A Yes sir.
Q Did you see him in Kansas? A Yes sir.
Q What year did you see him there? A I think it was in '67.
Q You knew Joe Ward? A Yes sir we was raised together.
Q He was your young master? A Yes sir.
Q You saw him in Kansas too didn't you? A Yes sir in '65 when I was driving a Government team he come to our house.
Q Was that after or before the war closed? A Same year that the war closed, I saw him in Mound City and he went up to my father's house. I was living with my father.
Q You were not married then? A No sir, married directly after.
Q What year did you marry? A In the fall of '65, after he was up there.
Q How old is your eldest child? A He is 22 I think it is according to my judgment.
Q What time in the year was that oldest child born? A In September.
Q Was he 32 last September or this coming September? A This coming September.
Q That is your best judgment? A Yes, sir.
Q Did you come back with your father, Peter Ward? A No sir not the first time I come.
Q Didn't you testify before that you come back with your father?
A No sir, I went to Fort Gibson the first time and the next time I come down with him.
Q How long after that did you come down with your father?
A The same year, I come to Fort Gibson in the fall, and come back to Kansas and back home again in the fall, and come back.
Q You had married then? A Yes sir.
Q You come down the last time in November? A Yes sir.
Q The same with you that first time? A Yes sir, but I was on some strength of horse power.
Q How long did you stay there? A I think a considerable time.
Q How long did you stay there?
A I think a month or so.
Q Well how long did you stay there? A In November.
Q How long after that did you come back? A Yes sir, but I was on some strength of horse power.
Q How far did you come back?
A Yes sir, but I was on some strength of horse power.
Q How far did you come back?
A Yes sir, but I was on some strength of horse power.

Q What direction from the mouth of Snow Creek? A Northeast.
 Q How far from the Kansas line? A About 5 miles south.
 Q Who was living there in that country then when you went through from Fort Gibson to Kansas? A Sam Webber, George Meigs, Peter Meigs, old man Sam Webber.
 Q Had they houses there then? A Yes sir.
 Q Had they made a crop of corn that year? A Not much, there was a drought there, that was when I went up the first time.
 Q What time was it when you went up? A In August.
 Q Did Sam and his daddy have a crop of corn in? A Not much, sort of a patch.
 Q That was in '87? A No sir.
 Q Your young master Joe Ward testified that he saw you there in '87? A I was traveling up there through that country and saw him the year of the war closing, because he went to my house with me.
 Q Did you ever see Will and John Ward or any of your young masters since the war? A Yes sir.
 Q Where? A On Big Creek.
 Q When? A I had been there about two years.
 Q Did you locate right on the place where you now live? A Yes sir.
 Q And have lived there ever since? A Yes sir.
 Q Is your father living? A Yes sir.
 Q He lived there with you? A Yes sir.
 Q What Cherokees are living along there? A Albert Morris.
 Q Was he living there when you come? A No sir.
 Q How far was Jim Martin living from there when you come there? A No sir, he was not living there and the Delawares were not living there either then.
 Q You anticipated that question didn't you? A I know they was not living there then.
 Q What made you answer that question before I had asked it? A I heard some of the people saying that they was up there then and I am telling you right. I thought it was coming and I was going to tell you about it.
 Q Where did you get anything to eat that fall? Got it from these Webbers and Sanders? A We brought some along with us.
 Q Do you know Jess Brown and Tecumseh? A Yes sir.
 Q They were up in Kansas looking after some pension matters weren't they? A I don't know.
 Q Was Sam Webber living in a house up there? A Yes sir.
 Q Who did you stay all night with up there? A With Peter Meigs.
 Q That was in August? A Yes sir.
 Q 1886? A Yes sir, latter part of August.
 Q Did old Peter Meigs have in a crop there then? A Yes sir a little one.

By the commission:

Q Why is your name not on the 1880 roll? A I don't know, the census takers didn't come there.

Q Did you ever apply to have your name enrolled? A No sir; the reason I didn't was because several men went down there and tried it and come back and said that it was not necessary to go down there as the war was enrolling us people.

L. B. DANIELS, called and sworn as a witness before Com'r T. B. Daniels, testified as follows for the applicant:

By Com'r Daniels:

Q What is your name? A L. B. Daniels.

Q What is your age? A 31.

Q What is your postoffice address? A Claremore.
 Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A I got acquainted with him in the fall of '86.
 Q Do you know if he was a slave? A No sir I don't.
 Q Where did you see him in the fall of '86? A At Fort Gibson.
 Q Have you known him ever since that time? A I saw him after I moved up here to Coowasee.
 Q How did you happen to see him in Fort Gibson in '86? A He come to Amanda and Ruthie Adair and was going to take them away and I asked him what he was going to do with them, and he said he was going to take them to his people.
 Q You had never seen him before that? A No sir, he was a stranger to me then.

By W. W. Hastings:

Q He was a stranger to you in '86? A Yes sir.
 Q You had never seen him before that? A No sir.
 Q You didn't witness for him before the Kern Olifton Court did you?
 A No sir.
 Q Do you know how long he staid in Fort Gibson that time? A No sir I don't.
 Q What time did you see him there? A In the fall.
 Q What time in the fall? A First part of September or the last part of August, somewhere along there.

By the Commissioner:

Q How did you know it was in '86? A Because I was living right there and notices all the girls that come in there.
 Q You was a young man then? A Yes sir.
 Q You was a government officer also wasn't you? A Yes sir.

SAM WEBBER, called and sworn as a witness by Gen'r Needles, testified as follows:

Q What is your name? A Sam Webber.
 Q How old are you? A 58.
 Q What is your postoffice address? A Nowata.
 Q Are you a recognized Cherokee Freedman? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A Got acquainted with him in Kansas during the war.
 Q Do you know when he returned to the Cherokee Nation? A In the fall of '86 was when I first remember seeing him in the Nation.
 Q Where did you see him? A On Big Creek.
 Q He came up there to live? A Yes sir.
 Q Did he have his family there with him? A Yes sir he had his family with him.
 Q Did you know if he was a slave in the Cherokee Nation before the war? A Only what he told me.
 Q Have you known him ever since? A Yes sir.
 Q Has he lived in the Cherokee Nation continuously ever since?
 A Yes sir.

By W. W. Hastings:

Q He settled there right in the fall of '86? A Yes sir, frost was falling.
 Q How long before had you and your family been there? A Not long, I moved down there a short time before that.
 Q About how long before that? A I can't just tell, not a great while.
 Q A month? A Must have been a month, I don't remember exactly.
 Q Are you prepared to swear positively that all these people came

-5-
down there 35 years ago, in '66? A Yes sir all those I am acquainted with that come.

Q How far did this man live from you then? A 4 miles.

Q He has lived there ever since? A Yes sir.

Q You know he was living there in '67? A Yes sir.

Q You know he was living there in '68? A Yes sir.

Q You are willing to swear that he has continued to live there continuously ever since '66? A Yes sir.

Q Did you know his father? A Yes sir.

Q What is his name? A Peter Ward.

Q He come with his father did he? A Yes sir they come together.

Q And settled in the same neighborhood? A Yes sir.

Q What place in Kansas did you come from? A Linn County, same place they come from.

Q Mound City? A Yes sir.

Q Did you know them there? A Yes sir.

Q Did you go back up there directly after you come down here and settled? A No sir.

Q Did you go back there in '87 or '8? A No sir.

Q Was this man married when he come down there? A Yes sir.

Q Was his wife with him? A Yes sir.

Q How many children did he have then? A I can't tell you how many he had, but he must have had as many as two or three. I can't tell.

Q Did he have any? A If he did, I don't know it.

Q You know he was married though? A Yes sir.

Q Did he live with his father when they first came there? A They both camped there close together.

Q Did they make separate homes? A Yes sir.

Q Had you made a crop there when he come? A No sir.

Q None of you had crops in then did you? A No sir, couldn't, hadn't been there long enough.

Q About how far did they locate from the Kansas line? A I don't hardly know.

APPLICANT recalled and examined by W. W. Hastings:

Q You saw Will and John Ward directly after Will got into trouble did you? A Yes sir I saw Will, he come to my house.

Q You had a talk with him? A Yes sir.

Q You told him where you had been? A No sir, not exactly as to where I had been.

Q Talked about old slavery times? A Yes sir.

Q Told him when you had come back? A No sir that question was not asked.

Continuation of the above application reported by E. S. Jones.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he has written in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.
Subscribed and sworn to before me this 10th of June, 1901, at Nowata, I.T.,

Signed, E. S. Jones,
Commissioner.

(Continued from testimony taken by Stenographer Chas. von Weise, June 6, 1901.)

GEORGE WALKER, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A George Waige.
 Q What is your age? A I don't know exactly, about sixty some odd.
 Q What is your postoffice? A Wimer.
 Q Are you a recognized Cherokee Freedman? A Yes sir.
 Q Your name on the 1880 roll? A No, sir.
 Q You made application to be enrolled? A Done been enrolled, all excepting two witnesses.
 Q Do you know Abram Ward, the applicant here? A Yes, sir.
 Q How long have you known him? A Ever since he moved on Big Creek.
 Q Do you know whether he was a slave before the war? A Yes, sir, he was a slave.
 Q Who did he belong to? A Belonged to a man they called George Ward.
 Q Do you know whether he went out of the Cherokee Nation during the war or not? A Yes, sir.
 Q Where did he go? A Went up to Fort Scott.
 Q Did you see him? A No, sir, I just met him up there.
 Q Do you know when Abram Ward, the applicant, returned to the Cherokee Nation? A Why I don't know exactly.
 Q When was the first time you saw him after the war? A Why it was in the fall of '66.
 Q Where did you see him then? A On Big Creek.
 Q Was he living there? A Well, he has been there ever since.
 Q Was he living there then? A When I saw him, why he just came.
 Q Did he have a family with him when he came? A Yes, sir.
 Q How many children did he have? A Well, I can't hardly tell you.
 Q Have his wife? A Yes, sir.
 Q Was he camping there, or had he built a house? A Well, he came in and camped, and built a house.
 Q Have you known him since that time? A Yes, sir.
 Q Has he always lived in the Cherokee Nation since '66, to your knowledge? A Yes, sir.
 Q You were taken out during the war, were you? A Yes, sir.
 Q Did you return with Abram Ward? A I returned just a little before he did.
 Q You saw him here in '66 in the fall? A Yes, sir.
 Q Mr. Hastings: How long had you been back when you saw him?
 A I don't know exactly.
 Q A year or two? A I hadn't been back a year, no, sir.
 Q Well, had you put in a crop that year you came back? A No, sir, I hadn't then.
 Q Did you have any corn in when he came? A No, sir.
 Q Any potatoes in? A I had a small patch in when he came.
 Q But you had no corn on yet? A No, sir.
 Q You didn't plant any that year? A No, sir, I didn't plant any till it got time to plant it.
 Q But had you planted any other crop that year? A No, sir.
 Q George, you don't know anything about when he came, do you? A No, sir, I don't.
 Q You don't know one year after another? A No, sir, I don't know, of course I am not an astronomer.
 Q Where did you live before the war? A Well, I lived in the Cherokee Nation before the war.
 Q What place in the Cherokee Nation? A Well, we know he can tell you to tell you the truth, I lived east of a little town they called Bushy Fork on a big hill, west of it.
 Q Who did you belong to? A Belonged to a man they called George

Daniels and Lila Daniels.

Q How far was that from Beattie's Prairie? A It wasn't a great ways, I don't know.

Q What direction was Beattie's Prairie from where you lived? A To my judgment, it must have been kinder north, nearabout north.

Q You were up there before the war, were you, Beattie's Prairie?

A No, sir; I don't know that I have ever been to the place.

Q When did you first see Abe? A The first time I saw Abe to recollect him was at Port Scott.

Q During the war? A Yes, sir.

Q Than you never saw him before the war? A No, sir.

Q You don't know of your own personal knowledge who he belonged to?

A Of course I don't, but I know what he says, who he belonged to.

Q You swore a while ago he belonged to George Ward? A That is what I told you his owner was.

Q You don't know that? A No, sir.

Q You are the son of Peter Reiss? A Yes, sir.

Q Peter Reiss went down before the court to have himself and family enrolled? A Yes, sir.

Q Did you go along with him? A No, sir.

Q He is dead? A Yes, sir.

Q He didn't get enrolled? A No, sir.

Q He has been refused by the Cherokee Nation? A Yes, sir.

Q You know this man, the applicant, has been refused all the time?

A Yes, sir.

Q To the best of your judgment, how many children did he have when you first saw him there, after the war? A I can't hardly tell you; I know all his children; he had one to my judgment.

Q But you don't know how many more? A No, sir.

Q What was this child's name? A Named Lon.

Q He stayed right near you? A Yes, sir.

Q He came down with his father, didn't he, Peter Ward? A Yes, sir.

Q They all came down together and stayed up there? A Yes, sir.

Q I want to know if you are positive about the year that they came in? A Yes, sir.

Q They have lived there continuously ever since that year they came? A Yes, sir, ever since.

Q They never went back to Kansas and left up there? A I believe the old man went back once or twice for grub.

Q Not up there to live? A No, they never went up there to live.

Q Are you willing to swear positively about the year they came?

A Yes, sir.

Q That was in 1866, was it? A Yes, sir, '66 we came.

Q Was it 1866? A I can't say whether it was eighteen hundred or not.

Q You are not positive about that? A I can't tell you anything about the dates, and I didn't suppose I would have to know anything about '66 like I do, but my daddy was running in and down there to get a place for he said for his children.

Commissioner: Your daddy knew he had to be there he 'ad did that

A Yes, sir.

Commissioner: Abram Ward applied for the enrollment of himself and his son Artes. He presented to me an authenticated roll of 1866 or 1867, and I found on examination of the same, that he is the son of Peter Ward and the Wallace rolls. This roll was also furnished upon the Kora-clinton roll. He also presented satisfactory proof as to said marriage. His name and his child Artes will be listed for enrollment.

COMMUNICATIONS SECTION
JUL 11 1901

12 Freedmen on a doubtful bond, awaiting further consideration by the Commission. He will be duly notified by mail at his post office address of the result of the Commission, when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 15th of June, 1901.

Signed, Bruce C. Jones,
Signed, T. B. Needles,
Commissioner.

~~Exhibit~~

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this 23d of August, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, N.Y., June 8, 1901.

In the matter of the application of Squire Ward for the enrollment of himself and three children as Cherokee Freedmen.

Appearances:

Hallett & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Squire Ward, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Squire Ward.
Q How old are you? A I don't know, about forty some odd years.
Q What is your post office? A Centralia.
Q What district do you live in? A Gowaescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you desire to enroll besides yourself? A I have four children.
Q Please give me the names of your children? A Sadie.
Q How old is Sadie? A Sadie is about 21 I think.
Q She will have to apply for herself? Any children under 21?
A I have three: Joe.
Q How old is Joseph? A He is 18.
Q The next child? A Jennie.
Q How old is Jennie? A Jennie is 16; and Eliza, 13.
Q That all? A That is all.
Q Are you married? A Yes, no, not now.
Q Were you ever married? A Yes, sir.
Q What was your wife's name? A My wife's name was Mary Mays, she belonged to the Whites.
Q Is she living? A No, sir.
Q Were you ever married to her? A Yes, sir.
Q Was she a Cherokee citizen? A Yes, sir.
Q She on the roll of 1880? A Not on the 1880 or '90.
Q What was her father's name? A Dave Mays.
Q Is he living? A No, sir.
Q What was her mother's name? A Susan.
Q When were you married to her? A I don't know the day of the year, it was about 25 or '4 years ago, I don't know just what day we were married.
Q Were you ever married before you married Mary Mays? A No.
Q Was she ever married before she married you? A No, sir.
Q Have you got any proof of your marriage? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A It is on the Wallace and Clifton roll.
Q What is your father's name? A Peter Ward.
Q Were you a slave before the war? A Yes, sir, I don't recollect much about it.
Q Have you a brother named Abram Ward? A Yes, sir.
Q Peter Ward and Abram Ward, the Wards that have just been listed for enrollment as Cherokee Freedmen? A Yes, sir.
Q Where were you born? A I was born at Beattie's Prairie, in the Cherokee Nation.
Q Are you the Squire Ward that wrote to the Secretary of the Interior complaining that the Dawes Commission were refusing to put Cherokee Freedmen on the roll? A No, I didn't write that; some of the people had me write a letter for some selling or change of the Dawes Commission made by their body; I don't think I wrote anything like that.
Q You wrote to the Secretary of the Interior? A Yes, sir.
Q You are President of the Freedmen's Aid Association?

Squire Ward - 2.

A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1890 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Farm-Clifton roll examined, and the applicants identified thereon as follows:

Squire Ward on page 128, No. 5157, Cooweescoowee district;

Joe Ward on page 128, No. 5158, Cooweescoowee district;

Jennie Ward on page 128, No. 5140, Cooweescoowee district;

Eliza Ward on page 128, No. 5141, Cooweescoowee district.

The Wallace roll examined and the applicants identified thereon as follows:

Squire Ward on page 151, No. 5149, Cooweescoowee district;

Joe Ward on page 151, No. 5151, Cooweescoowee district, as Joseph Ward.

Q Does Abram Ward know about your marriage? A Yes, he knows it.

Abram Ward, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abram Ward.

Q How old are you? A 55.

Q What relation are you to Squire Ward, the applicant? A Brothers.

Q Do you know his wife Mary? A Yes, sir.

Q Do you know whether Mary and Squire were ever married or not?

A Yes, sir, they were married.

Q How do you know that? A I was present.

Q Where were they married? A Married up on Big Creek.

Q About how long ago? A It has been twenty odd years.

Q Is Mary Ward dead? A Yes, sir.

Q Did they live together as man and wife until her death? A Yes, sir.

Q They were recognized in the community and neighborhood as man and wife? A Yes, sir.

Q Do you recollect the names of the children? A Sadie; I can't really call the names of all the children.

Q Have one named Joseph? A Joseph, yes, sir.

Q Jennie? A Jennie.

Q Eliza? A Eliza Jane.

Mr. Hollette: Are you the Abram Ward who made application to-day for enrollment as a Cherokee Freedman? A Yes, sir.

Q You say the applicant here is your brother? A Yes, sir.

Q Is he the son of Peter Ward? A Yes, sir.

Q Who else applied for enrollment to-day? A Yes, sir.

Q Now in relation to yourself, when did he return to the Cherokee Nation after the war? A He came down when we did, me and my father.

Squire Ward, recalled, testified:

Mr. Hastings: Squire, did you see your young master, Joe Ward, in Kansas just after the war? A No, I didn't see him. He was up there, but I didn't see him. He was up there, but I never saw him. Yes, I heard he was there.

Q How long after the war was it you were advised he was up there?

A He was there when he was mustered out, I think at Leavenworth, that is the way I heard it, I was pretty small, I can't recollect it. I ~~remembered~~ didn't see him, I know he was up there, I heard he did.

Q You are the President of the Freedmen's Aid Protective Association? A Yes, sir.

Q About how many members do you have belonging to that Association?

A I can't tell you just the number Mr. Hastings.

Q About how many, about? A No, sir, you mean in the Freedmen's Protective Association at Big Creek, we had that kind of an Association.

Squire Ward - 3.

tion there, and there were various others; in ours there was sixty or seventy, maybe more.

Q Mr. Sam Webber belong to that lodge? A I don't remember, seems like he did.

Q George Murrell belong to it? A Yes, sir.

Q You know your members, don't you? A I know some of them, some I don't; there is a good many I know, there is some I don't, I don't have the roll.

Q Well, what is the object of the Association, to swear for each other? If they know anything in the particulars of a case to testify the truth as near as they know, and not give in things they don't know; now there is a great many that through it was a good idea to who would make a witness, or who would testify in the court in their behalf.

Q It is a secret organization? A No, it is not much secret.

Q You don't hold your meetings and anybody to come in? A We do sometimes and sometimes we don't.

Q Refresh your memory; I want to know if Abram Ward belongs to it?

A Yes sir, I think so.

Q Your father Peter? A Yes, sir; I don't know, a good many of the old people didn't, I am not positive but I think he did; there is lots that belonged to it that never met after the first meeting.

Q Each neighborhood has a different association? A That is the way it was, yes they have an association, we are just the branches of the same, or about the same.

Q You are the president of yours yet? A Yes, sir.

Q Who is your secretary? A Nelson Grubbs; there is lots of men I know personally that I know belong to it, but I can't call the names just now.

Commissioner: Has your Association got a constitution or by-laws or ~~express~~ articles of association that sets forth what is the object of the Association? A Why just to protect each other in their rights.

Q Have you any written constitution or by-laws or statement?

A We just had a kind of temporary.

Q Did the members sign a paper? A No.

Q Did you have any initiatory ceremonies, make them ride the goat, or anything of that sort? A No, there is not any goat.

Mr. Hastings: You make them take any oath? A No, they did say something about that but it wasn't never exercised to take any oath.

Commissioner: The object of the association is for the protection of the members in enrollment matters? A Yes as far as they know; to give testimony to help each other and assist each other in making this roll legal.

Q Is there any obligation or intention to manufacture testimony?

A No.

Q Or to give fraudulent testimony? A No, sir.

Q Or to commit perjury? A No.

Q Nothing of that kind? A No, nothing of that kind.

Q You help each other financially sometimes in regard to this matter? A No, not unless it is for some expense of witnesses.

Q Are expenses of attorneys I suppose? A Yes, sir.

Q Looking out after your own interests? A Yes, sir.

Q Something on the plan of the Cherokee Council looks after theirs?

A Yes, sir.

Mr. Hastings: Your meetings though are secret, aren't they?

A Why yes, you might call them secret meetings.

Q Have you ever known of a member of your association testifying against one of them? A No, I don't know whether I have or not.

Q Is one of them allowed to? A Well now, if he knew anything, we don't have nothing that is to keep him from it.

Q But you don't know of one that belonged to your association that

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has testified against another? A No, sir.

Commissioner: There is no obligation that is to prevent any member of this Association from testifying a man wasn't here in '66? A No, our object was to get somebody that did know these people, for us just to find out who did know these people, and to testify in their matters.

Q Are their meetings all in secret? A Yes, sir.

Q Sometimes they are open? A Yes, sir.

Q You have known is known as executive sessions the same any other body I presume? A Yes, sir.

Q Same as they have in Congress, or the Cherokee Councils, and the legislatures? A Yes, sir.

Mr. Mellette: Do you remember coming back to the Nation after the war? A I don't remember much about it Mr. Mellette, I wasn't old enough to remember much about it.

Commissioner: Squire Ward applies for the enrollment of himself and his three children. From an examination of the rolls of 1880 and 1896, he cannot be identified, but he is identified upon the Kern-Clifton and the Wallace rolls. The names of his three children for whom he applies are identified upon the Kern-Clifton roll, and the oldest one, Joseph, is also identified upon the Wallace roll. He makes satisfactory proof of his marriage to his wife Mary Mays, mother of said children, she being now deceased. He avers that he is the brother of Abram Ward, who is listed for enrollment on B card 807, this day, and the testimony taken in the matter of the enrollment of Abram Ward will be made part of the record in the case at bar, and a copy of the testimony will be filed with the testimony now being taken. The said Squire Ward will be notified of the decision of the Commission when arrived at, by mail. He and his three children will now be listed for enrollment as Cherokee Freedmen on a doubtful card.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 13th of June, 1901.

Commissioner

Commissioner.

FILED

JUN 17 1901

File with Cherokee Freedmen D-515, Squire Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I. T., October 3, 1901.

In the matter of the application of Abraham Ward et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mallett & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

C. W. KINGSBURY, being duly sworn by Commissioner Needles, tes-
tified as follows:

Mr. Hastings: What is your name? A C. W. Kingsbury.

Q What is your age, Mr. Kingsbury? A I am 47 years this fall.

Q What is your postoffice address? A Mound City, Lynn County,
Kansas.

Q How long have you lived in and about Mound City? A Ever since
the 12th day of August, 1861.

Q Were you living there in 1865? you have lived there ever since,
you say? A Yes, sir, lived there continuously ever since, made that
my home.

Q What was your father's name? A My grandfather's name was Durbin.

Q Did you know a colored man in Mound City, Kansas, by the name of
Peter Ward? A There was one lived there, yes, sir, by that name.

Q Did you know any of his children? A Yes, sir.

Q Name some of them? A There was Abraham, Berry, Mark, Minor,
Squire, Eliza, Ben, Dave, Clint, George; that is all I can remember
of them.

Q When did you first become acquainted with this family or wards?

A In the fall of '65.

Q Where were they then? A They lived on a place west of ours.

Q How far was that from Mound City, Kansas? A That was three
miles; it is three miles to my place and their place joined right
west of ours.

Q Joined your place on the west? A Yes, sir, their place cornered
with ours on the northwest.

Q How long did they continue to live from '65 in that immediate
vicinity about Mound City? A From '65, in the fall of '65 I think,
and then in the next spring they moved, taken a lease on the old
gentleman's place, my grandfather's.

Q What was his name? A John Durbin.

Q That was in the spring of '67? A In the spring of '67 they
moved onto our place.

Q When you say our place you mean your grandfather's? A Yes, sir,
I mean the Durbin farm now, it is where I live now.

Q Now how long did they continue to live on that farm? A They
took a lease on our place for three years, to clear up some timber
lands, and they lived there three years and in the fall of '68 the
old gentleman left, that is, he said he was going down to his country,
that was in the fall of '68, and the remaining part of the lease, he
wanted the old gentleman, that is Mr. Durbin, to let one of his boys
live there the year of the lease out, and Mr. Durbin told him that he
was welcome to stay on the place till his time was out, but he didn't
want him to sub-rent to anybody, and Peter Ward said all right.

Q They gave up the last year? A Yes, sir, they gave up the last
year.

Q And they lived there for three years from '65, as I understand
it? A From '65 to the fall of '68.

Q Was there a barn built on the Durbin farm at the same time?

Q How do you know it was built there in '68; have you anything else besides your own memory? A Yes, sir, the boss mechanic, A. J. Remney, on finishing the work he placed a rock up over the door with his initials and the year it was erected in.

Q Do you know whether these people were there after the building of this year or not, living there? A Yes, sir.

Mr. Mellette: I think that is a very leading remark.

Q Well now how do you know it? A Mr. Ward was farming our place besides this land, he stored some wheat on our place and he stored some whear and in the fall of '69 he left some whear in our barn and the next spring he came and got it.

Q You know where he was the next spring, where he was living? A He said he had moved down to this country, that is what he said and we supposed he had.

Q Have you seen him since? A I have not; one of his boys was back there since, Abe, but what year I don't remember.

Q What is your occupation? A I am farming and stock raising.

Q You have mentioned a number of Peter Ward's family; did they all leave when Ward left, or about that time? A About that time; I can't say for sure whether the older boys left a short time before or a short time after, but I remember Uncle Peter going away at this time that I spoke of.

Q You remember Abraham Ward living there? A Yes, sir, he lived there every time when he was there, the boys were all at home on the place there.

Q Is your grandfather, Durbin I believe, is he alive? A Yes, sir, he is living, he is quite an old man, he is 88 years old.

Mr. Mellette: I didn't get your name? A C. W. Fingsbury.

Q What is your postoffice? A Mound City, Kansas.

Q How old are you? A I am 47 this fall.

Q How old were you in '66? A In '66 I was 12 years old, I was born in '54.

Q Did you, as a 12 year old boy, pay much attention to dates?

A What do you mean, in what way do you mean?

Q Well I mean exactly what I said? A Well this time that I spoke of, of knowing when Uncle Peter took this lease on our place; this place that he moved onto our place from belonged, when he took the lease on that, to a man named Corbin, and he built a house.

Q Now are you going to answer my question? A Yes, sir, what is it?

Mr. Hastings: If you want to tell in how you get at this date, go on and tell him.

Mr. Mellette: I asked you if, as a 12 year old boy, you paid very much attention to dates? A I remember that distinctly.

Q When were you first asked to appear as a witness in this case?

A I think there was a gentleman at my house twice, the last time I don't remember when, but I think it was along the last days of last month.

Q How long was it after Peter Ward and his family left Kansas, that that man came to you and asked you about these facts? A It was from '69 until 1901.

Q How long is that? A From '69 would be 32 years, if I am not mistaken.

Q Do you remember back then 32 years to the time when you were a 12 year old boy and remember the years that these colored people leased the land? A I do.

Q And when they moved off? A Yes, sir.

Q Where were you living at that time? A I must have lived on the place, I was living the same place I live now, three miles west of Mound City, in Lynn County, Kansas.

Q Is that the only date you can remember about things that took place in those days? A No, sir.

Q You have lived in one spot all the time? A I have lived continuously, that has been my home on that farm since '61.

Q What impresses the fact on your mind as to when these people lived on that land? A As I said, Mr. Ward was living on a farm that

belonged to Corbin and he had put up a house there, a log house, he wanted to move that house over onto the old gentleman, my grandfather, and my grandfather objected and told him he had better go down in our timber and out logs and built a house.

Q You know of that? A Yes, sir.

Q You remember that conversation 32 years ago? Yes, sir.

Q You are giving the exact conversation that you heard 32 years ago?

A I remember the contract and the conversation.

Q Were you a business man at that time? A Well, I wasn't, I don't suppose, considered so legally.

Q Did you conduct business at the age of 12? A In the way of leasing land I didn't, and Mr. Alexander came out from Indiana in the fall of '65 and bought the land then, this land that this gentleman, Mr. Ward, lived on, and then in '66 P. D. Alexander moved on the farm and lived there until the time of his death.

Q Now is it not a fact that Peter Ward and his family left your grandfather's place in '66 because they understood they could get a home here by coming in 1866, that they departed at that time? A I don't think it is.

Q Well, what do you mean by saying you don't think it is? A Well I mean that he lived three years of this lease out there on the farm, that is, living three years on the farm.

Q Was there any particular reason for your remembering that for 32 years, the time that these people when on your grandfather's farm?

A The thing that calls the memory to the time was the fact that Alexander bought the place.

Q And you remember the year he bought the place? A Yes, sir.

Q Do you remember this by talking to your grandfather or somebody else or have you retained it in your own memory? A I have retained it in my mind, by talking to Alexander during his life time.

Q You have retained it by talking to Alexander? A Yes, sir.

Q You are testifying by what Alexander told you? A I know he came there in '66.

Q I want to know if you are testifying about these dates by what Alexander told you? A I am not.

Q What made you say you remember it by talking to Alexander in his life time? A I remember him moving there in '66 same as I remember I moved to Kansas in '61.

Q Then if Peter Ward and Abraham Ward and the rest of the Wards swear they left Kansas in '66 they are mistaken, are they? A I don't know what they testified to..

Q Who else lived on your grandfather's place after the wards moved off? A At the time they lived on the place there, at one time, not all the time, there was a man by the name of Anderson Turk.

Q When did he move on the place? A He moved on the place sometime in '65, he had been on the place I think a year.

Q When did he move off? A He moved off the place, let's see, about '75.

Q Well, are you swearing he moved off in '75? A He moved up north and bought a place up north, he lived on the place 12 years and moved there in '83.

Q What year did he move off? A About the year 1875.

Q You swear that, do you? A Yes, sir.

Q Who lived on the place besides that man? A Why George Brown lived there.

Q When did he move on the place? A He didn't rent, he just simply rented a room from Anderson Turk and lived there.

Q When did he rent the room? A Why it was sometime, it was in '67 or '8, I am not sure which.

Q Well, which is it, '67 or '8? just as much reason for you to remember that as there was about Peter Ward?

Mr. Hastings: Don't argue that question.

Q What year was it that that man lived on the place? A '67 or '8, I am not sure which.

Q Why can't you remember, if you can remember when Peter Ward moved

on the place and when he moved off? A Brown lived there just a short time and by permission of Anderson Turk.

Q When did he live there? A I think one winter.

Q You don't know when he went on and when he went off? A In the fall season he went in and just wintered there one winter.

Q Who lived on this place in 1876? A There was no one in '76, nobody then but our own folks.

Q Who cultivated it? A The old gentleman.

Q Anybody else ever live on that place? A How do you mean, since '66? A Yes, sir, since '68. A Yes, I think Uncle's Ben Ward lived on the place.

Q When did Ben Ward live on the place? A He lived on the place I think it was, let's see, about '67.

Q Now was it about '67, or was it '68? A I am not sure whether it was '67.

Q Why can't you remember when Ben Ward lived on the place? A I am pretty sure it was '67 when he lived on the place.

Q Do you swear positively it was '67 when he lived on the place?

A I am pretty sure of it, I am not positive.

Q Might have been '66? A No, it wasn't '66, because my recollection is that he moved on the place after Uncle Peter did, took mother lease.

Q It was '67 then? A Yes, sir.

Q Might have been '68? A Yes, it was either '67 or '68, was either of the two years, it was a year after Uncle Peter moved.

Q You want to be understood as swearing positively that Uncle Peter Ward moved on the place in '66? A Yes, sir, spring of '66.

Q And you were a 12 year old boy at the time? A Yes, sir.

Q Don't you think you have a remarkable memory? A I never considered my memory as anything extra.

Commissioner. Mr. Kingsbury, Mr. Hastings asked you your father's name and you gave your grandfather's name; why did you not give your father's name when he asked you? A My father was in California and my grandfather raised me, I have been living with him ever since I was 7 years old, ever since; my father is dead now.

Mr. Hastings: I had talked to you about your grandfather's place?

A Yes, sir, that is the place that I live on now, and this family lived on is my grandfather's now, he is still living, he is quite an old man.

BYRON OSBORN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Byron Osborn.

Q Mr. Osborn, how old are you? A 49 years old.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City, Kansas? A Well sir, my father settled there in '54, March 20.

Q Have you lived there since that time? A Well, that has been my home, I have been away a year or so at a time, was back in Illinois a couple of years and I was out in Colorado about the mountains about 12 or 14 months.

Q Well, where were you the three or four years after the war? A I was on our place, home.

Q How far was your place from Mound City, Kansas? A Three miles.

Q What direction? A Southwest.

Q How far was that from the Darbin farm? A Well, it is about two miles and a half I should judge.

Q Do you know Mr. Kingsbury, who has just left the stand?

A Yes, sir.

Q He a grandson of Darbin? A Yes, sir.

Q Did you know a colored man by the name of Peter Ward? A Yes, sir, I used to know Mr. Ward.

Q Did you know any of the members of his family? A Yes, sir.

Q Give me the names of some of them? A I know of two and I know of one and I know Squint Ward, that is about all that I know, he had

other children but I wasn't acquainted with them, I think he had some girls I wasn't acquainted with.

Q When did you know them? A Well, sir, it was along I think the latter part of summer, they lived in there.

Q About how long did you continue to know them? A Well, the best of my recollection is that I knew them I think probably eight or nine or ten years.

Q I mean did you know them after the war? A Yes, sir.

Q How long after the war did you know them? A Well, I should judge it was, to the best of my recollection, I think it was probably five or six years after the war, four or five maybe, sometime after the war, but I can't state how long.

Q Do you know where they were living? A Yes, sir.

Q What place? A They were living on Mr. Durbin's farm.

Q Do you remember where they went when they left there? A Well I don't know positive, only I have understood they came to the Indian Territory.

Mr. Mallett: How old are you? A 49 years old.

Q How old were you when the war closed? A Well I guess I was about 12 or 14 years old.

Q Now who did you first talk to about knowing anything about these people? A Mr. Keys.

Q Mr. Keys came up into Kansas, didn't he? A Yes, sir.

Q Found you? A Yes, sir, he asked me did I know the Wards and I told him I did.

Q Well was that the first time that anybody had ever talked to you about when the Wards left that country? A Yes, sir.

Q That has been about 32 years ago, hasn't it? A Well it has been a long while, I don't know just how long.

Q You were a boy about fourteen years old? A Yes.

Q Do you think you can remember back to your boyhood days and swear positively when Peter Ward left that country? A I don't swear positively.

Q How far do you swear positively? A Well I know that he was there sometime after the war.

Q You know he was there sometime after the war? A Yes.

Q Can you remember the events and the succession of facts as they happened thirty years ago when you were a boy? A Well some things I can.

Q Well, do you think this is one of the things? A Well I remember that Mr. Ward lived there, he had a boy by the name of Abe who used to work for my father sometime after the war, he worked on our place, but I can't say positively what year it was.

Q You don't know when he worked on your father's place? A I don't know what year it was, it was sometime after the war, quite a while.

Q And you don't know when he moved to Mr. Durbin's place? A No, sir.

Q Can't you remember the year he worked on your father's place?

A No, sir, not positive.

Q When did they stop fighting up there in Kansas? A Along about, I think the last fight they had was when Price went through, I think the latter part of '64 or '65, along there.

Q '66, was it? A No, '65.

Q You say they had a fight up there the latter part of '65, that Price went through there? A No, I didn't say '65.

Q The latter part of '65 or '66? A The latter part of '65 or '66.

Q The latter part of '66 or '65, you say that? A I saw either the latter part of '65 or '66, sometime along in there that Price went through there.

Q Don't you know that Price made his raid through there in '65?

A No, I don't hardly believe he did.

Q And don't you know that General Lee surrendered to General Grant in April, 1865, and that there wasn't any fighting any place after April, '65? A Well I might be, but the war wasn't closed entirely.

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till about '65.

Q Yes but you say Price made his raid through there in '65 or '66?

A I meant '64 or '65.

Q What made you change? A Well, I just made a mistake.

Q Who talked to you after you came? A Nobody.

Q Well Mr. Hastings here consulted you, didn't he? A He asked me some questions.

Q Was Mr. Kingsbury present? A Yes, sir.

Q Who else was present? A There was lots of gentlemen there.

Q All you witnesses who came down in that case were present and talked to together? A Well they asked me some questions.

Q Now when you were being consulted you and Mr. Kingsbury and the other witnesses in this case were all sitting in the room and heard what went on here? A I think maybe I did hear a part of Mr. Kingsbury's testimony, I wasn't in there all the time, I don't know anything about when Mr. Ward left that country, I can't swear positive, but I am satisfied that he was there several years after the war closed.

Q But then if you think that Price made his raid through there in '65 or '66 you may be mistaken when the war closed? A I meant '64 or '65.

Q Do you say that Price did make his raid through there in '64 or '65? A I wouldn't say positive.

Q You wouldn't say positively about that? A No, it seems to me it was in that time.

Q You were a boy? A Yes, I was a boy.

Mr. Hastings: You were summoned here as a witnesses on the part of the Cherokee Nation, weren't you? A Yes, sir.

Q I consulted you with a number of other witnesses down there?

A Yes, sir.

Mr. Mellette: How were you summoned here on the part of the Cherokee Nation? A By subpoena.

Q Who served the subpoena on you? A Mr. Campbell left it at my farm.

Q Who is Mr. Campbell? A His name is Neve Campbell.

Q Where does he live? A He lives in Mound City, Kansas.

JOSEPH L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Joseph L. Ward.

Q What is your age, Mr. Ward? A 56.

Q What is your postoffice? A Mayville, Arkansas.

Q You live in the Cherokee Nation side there? A Yes, sir.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q Mr. Ward, what was your father's name? A James Ward.

Q Did your father ever own a colored man by the name of Peter Ward?

A No, sir, my grandfather owned him.

Q You know Peter Ward then? A Yes, sir.

Q Before the war? A Yes, sir, he married a negro woman my mother owned.

Q He had some children? A Yes, sir.

Q You remember any of their names? A Yes, sir.

Q Well, give us some of them? A Abraham was the oldest, Berry, Margaret, Miner, Squire, Eliza, Dave, and Clint, is all they had when they left there that I know of, that I remember.

Q Did they live there when the war came up? A Yes, sir, in '65 as well as I can remember.

Q Did you ever afterwards see them? A Yes, sir.

Q Where did you next see them? A In Mound City, Kansas.

Q When was that? A In the fall of '65, October.

Q Now when did you next see anyone of this family? A The next time one of them was here in Mound City just after that payment, the first payment of the Cherokees, I don't remember the exact date.

Q You don't remember the exact date? A No, sir.
Q It wasn't this last colored payment? A No, it was the first payment that was had after the war.
Q You don't remember the date of that payment? A No, I don't remember the date.
Q Was this railroad through here at that time? A I think so.
Q Well, which one of them did you see at that time? A Abraham.
Q Did you have any conversation with him? A Why yes, he told me that he didn't get any money, that he came too late.
Q He say where he was living at that time? A Living out here on Big Creek, up here in Bowwescowee.
Q You remember when he said he came? A No, I don't, positive, it seems to me he told me he came here in '69, that is my best recollection.
Q Did you see any other members of the family at the time? A No, sir, not that I remember.
Q Have you talked with any of them since that about it? A No, sir.
Q You live quite a distance from them? A Yes, sir, I live about fifty miles southeast of here, and they live northwest.
Q You don't remember the date of that payment? A No, I don't remember the date of it, somewhere in '70 but I don't know exactly what date it was.
Mr. Mellette: Well, did any of the colored people get the payment at that time? A I don't know, I don't think they did.
Q Don't think any of them got it? A I don't know, I don't remember, of course I can't state.
Q You wouldn't swear that he told you he came here in '69, positively? A Not positively, but that is my best recollection.
Q Well, that has been a long time ago, hasn't it? A Yes, sir.
Q You ever been arrested? A I don't know that that cuts any figure in the case.
Commissioner: Please answer the question.
A Why yes.
Mr. Mellette: What were you charged with? A I was charged with charging an unlawful fee in a pension case.
C That all? A And detaining pension money.
Mr. Hastings: What was done with the case, Mr. Ward? A Dismissed.

JOHN L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John L. Ward.
Q What is your age, Mr. Ward? A Age is 50.
Q What is your postoffice? A Mayville, Arkansas.
Q You are a Cherokee citizen by blood? A Yes, sir.
Q You live on the Cherokee side of the line? A Yes, sir.
Q What was your father's name? A His name was James Ward.
Q Did you know a colored man by the name of Peter Ward? A I did when I was a boy, I haven't seen him since.
Q Did he have some children? A Yes, sir.
Q You remember any of their names? A Yes, I recollect most of their names, there was Margaret and Abraham, Louise was the old lady's name.
Q We want to identify the family, name some of them? A Margaret and Abraham and Harry and Miner and Ben I think and Dave and Elise and Clint.
Q Did you ever see any of them after the war? A I never saw but one of them, yes I have seen that too, I seen Squire here the last Court, one they call Dick or Squire.
Q Well which one did you see first after the war? A That was Miner.
Q What was her name then? A Now I think she called her name.
Q Where did you see her? A Up here between here and Chatoga, Big Creek I think it was.

- Q Between here and Chatopa? A Yes, sir.
- Q In what district? A In Cooweescoowee I guess.
- Q Did you have any talk with her? A Yes, sir.
- Q About when was that talk? A Sometime in the sixties, '35 or '6 or '7, somewhere along there, I don't recollect just the year.
- Q Now think over the date, do you mean '60? A '70 I mean '70, something in '70, I have got it wrong, '80 I said, it was sometime in '70.
- Q You say it was sometime in '70? A Yes, sir.
- Q You know whether it was before or after this railroad ran through here? A Yes, sir, it was after this railroad ran through here.
- Q This M.K. & T.? A Yes, sir.
- Q Well, what conversation did you have with her? A We stopped there where she lived and she called up a couple of boys that she had and she told me their names, she called one of them Grant and the other one Sherman, and ~~told~~ then she sent a crazy negro down in the field for her husband, and she said she wanted to know what they were going to do about them, she said they got back too late; I said I didn't know what they were going to do, and that is about all the conversation I had; I asked them about the family, where they lived; they were all around there except one of them, there was one had never come back, that is my recollection, I don't know which one now.
- Q Who was with you at the time? A Well, my brother, we had been up to Coffeyville with some apples and came back by there and stopped.
- Mr. Mellette: You say you asked them about the family? A Yes, sir.
- Q Talked a good while with them I suppose? A We stopped there about half an hour or an hour.
- Q Where did she say her father was? A He lived there somewhere.
- Q Where? A Up here about Big Creek.
- Q Where did she say Abraham was? A He was there.
- Q Where? A Up in there, right close there, I was asking how they all were getting along.
- Q How many years ago has that been? A Along in '70 sometime.
- Q '70 when? A Between '75 and '77.
- Q What made you say it was in '60 first? A I just miscalled it.
- Q Wasn't it in the sixties? A No, sir.
- Q Don't you know it was in '66? A No, sir.
- Q Between '66 and '7 and '8? A It wasn't in '66.
- Q Why wasn't it? A Because this railroad was built through here.
- Q When were you first called upon to remember this? A Well, it was down here in this rock house down here.
- Q How long ago? A I don't remember.
- Q When Mr. Wallace made this roll? A No, sir.
- Q When Mr. Kern and Clifton made the roll? A It was when this negro attorney was down there, I don't know his name.
- Q How long ago? A I don't remember just now.
- Q About how long ago did you first remember that she said she ran too late? A It was when we were up there, is all I know about it.
- Q About how long ago, I want to find out when it was? A The reason I think it was about seventy, because I was married in '78 and it was before I was married.
- Q How many years before you were married? A Two or three.
- Q Two or three? A I don't remember just exactly, it was so long ago you can't recollect, I can't recollect the exact dates.
- Q That is what I am thinking about, unless I have something to impress it on my mind; nobody called on you to remember what they said for twenty or thirty years afterwards? A No, I wasn't called on until I was summoned here before this Court.
- Q This time? A No, that other time.
- Q What time was that? A I don't remember, you may recollect the date Mr. Hastings.
- Q Who were making the roll at that time? A Hastings and Thompson and there was a negro there, an attorney, I forget his name.
- Q You can't give any idea when that date was not you, why can't you remember the date you were first called on to testify to this fact?

as well as you can remember when she told you she came here too late?

A I never paid much attention to it.

Q Did you pay much attention to when she said she came here too late? A Yes, I recollect by the trip we made and I got to counting it up.

Q After thirty years you got to counting it up, did you? A It wasn't thirty years.

Q Well, twenty? A Let's see, it was over thirty years I guess.

Q It was over? A It was in seventy something.

Q Well how many years has that been? A Well I can count, this is 1901, you can count yourself.

Q Why I am not going to do it, I asked you how many years it was?

A Thirty years from seventy, and then it was along in '70, well I don't recollect just exactly the year though, 'it was before '77, sometime between '70 and '77, I don't remember just exactly the year, I don't propose to swear something I don't know.

Q Well you give it up then; you can't tell how many years it has been? A I don't recollect the exact year.

Q And you can't tell the year you were down here in the rock building and when Mr. Hastings and Mr. Thompson were making the roll? A No, I don't recollect the exact year.

Q Was it 1895? A I don't remember.

Q 1890? A (No response.)

Q Was it 1890? A No, sir; it wasn't then.

Q When was it? A I don't know just when, I don't recollect the year.

Mr. Hastings: That was the first time you had seen these old slaves since the war, when you had this conversation? A Yes, sir, and then during this Court I was sworn when I was up here last Court.

Q Are you summoned here as a witness this time? A Yes, sir.

Q Were you summoned when you testified before when I represented the Nation in part? A Yes, sir.

Q You remember Mr. Thompson was a member of the Court at that time? A Yes, sir.

Q You remember the other two members of that Court? A I don't recollect them.

Taking of testimony continued by stenographer J. O. Rosson.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of October, 1901.

[Signature]

Commissioner.

Continuation of taking of testimony in case of ABRAHAM
WARD, C.F. D. #807.

Former portion taken by Stenographer
Bruce C. Jones.

APPEARANCES:

Mr. Mellette, of Counsel for applicant;

Mr. W. W. Hastings, of Counsel for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles,
testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A L. B. Bell.

Q Age? A 62; Vinita.

Q Mr. Bell, when was this K. C. railroad, W. & A. T. railroad, built
through this country? A '71.

Q When was that first Cherokee payment made after the war? A '75.

Q Do you know whether colored people and all participated in that
payment or not? A Yes, every Cherokee citizen and whole lot
that wasn't.

Q That was a general payment? A Yes, that was general payment
intended for relief fund for all people living in the Cherokee Nation.

MR. MELLETTE: Did any colored people get pay at that time?

A Yes, I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called, testified as follows
in his own behalf:

MR. MELLETTE: What is your name? A Abraham Ward is my name.

Q Are you the Abraham Ward who is an applicant for enrollment as a
Cherokee Freedman? A Yes, sir.

Q Did you know J. L. Ward who has just testified in this case?

A Yes, sir, I know him.

Q Did you ever make a statement as testified to by him that you
came here too late to become a citizen? A No, sir, I did not.

Q Did you make statement, as testified to by him, that you came
back in '89? A No, sir.

Q Did you hear the testimony of John Ward, the last witness?

A No, sir.

Q Did you hear his testimony? A I heard it yes, sir.

Q Did you hear a statement being said of yourself, mother or
sister to him? A Yes, sir.

Q Where is that sister? A She is dead.

Q How long has she been dead? A About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward
after the war? A I saw him when the Cherokees drafted that general
payment, what called that money.

Q What year was that? A I don't remember just what year it was.

Q Well, that is strange? A It was in '80 though I think.

Q Where did you see him? A '75 or '76, saw him at Vinita.

Q '75 or '76? A Yes, sir.

Q Along there, saw him again at Vinita? A Yes, sir.

Q You didn't talk with him? A Yes, we was talking about our
boyhood times.

Q Talked to him where you had been? A No, sir, he knew where I
had been.

Q So was your young sister? A Yes, sir, she was about nine
age.

This Testimony will be made part of the record in cases
D. #808, D. #810, D. #812, D. #813, D. #814, D. #815, D. #816,
D. #817, D. #818, D. #819, D. #820, D. #821, D. #822, D. #823, D. #824, D. #825, D. #826, D. #827, D. #828, D. #829, D. #830, D. #831, D. #832, D. #833, D. #834, D. #835, D. #836, D. #837, D. #838, D. #839, D. #840, D. #841, D. #842, D. #843, D. #844, D. #845, D. #846, D. #847, D. #848, D. #849, D. #850, D. #851, D. #852, D. #853, D. #854, D. #855, D. #856, D. #857, D. #858, D. #859, D. #860, D. #861, D. #862, D. #863, D. #864, D. #865, D. #866, D. #867, D. #868, D. #869, D. #870, D. #871, D. #872, D. #873, D. #874, D. #875, D. #876, D. #877, D. #878, D. #879, D. #880, D. #881, D. #882, D. #883, D. #884, D. #885, D. #886, D. #887, D. #888, D. #889, D. #890, D. #891, D. #892, D. #893, D. #894, D. #895, D. #896, D. #897, D. #898, D. #899, D. #900, D. #901, D. #902, D. #903, D. #904, D. #905, D. #906, D. #907, D. #908, D. #909, D. #910, D. #911, D. #912, D. #913, D. #914, D. #915, D. #916, D. #917, D. #918, D. #919, D. #920, D. #921, D. #922, D. #923, D. #924, D. #925, D. #926, D. #927, D. #928, D. #929, D. #930, D. #931, D. #932, D. #933, D. #934, D. #935, D. #936, D. #937, D. #938, D. #939, D. #940, D. #941, D. #942, D. #943, D. #944, D. #945, D. #946, D. #947, D. #948, D. #949, D. #950, D. #951, D. #952, D. #953, D. #954, D. #955, D. #956, D. #957, D. #958, D. #959, D. #960, D. #961, D. #962, D. #963, D. #964, D. #965, D. #966, D. #967, D. #968, D. #969, D. #970, D. #971, D. #972, D. #973, D. #974, D. #975, D. #976, D. #977, D. #978, D. #979, D. #980, D. #981, D. #982, D. #983, D. #984, D. #985, D. #986, D. #987, D. #988, D. #989, D. #990, D. #991, D. #992, D. #993, D. #994, D. #995, D. #996, D. #997, D. #998, D. #999, D. #1000.

F. O. Thomas, being first duly sworn, deposes and says that he
referred the testimony of Abraham Ward to the Commissioner of the
Bureau of Indian Affairs, and that he has no objection to the
foregoing as a true and correct statement of the facts.

Subscribed and sworn to before me this 1st day of May, 1900.

Notary Public for the State of Oklahoma.

File with Cherokee Freedmen, D-615, Squire Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

In the matter of the application of Abraham Ward et al. for
enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JOHN B. BROWN, being duly sworn by Commissioner Needles, tes-
tified as follows:

Mr. Hastings: What is your name? A John Brown.

Q J. B. Brown? A Yes, sir.

Q What is your postoffice? A Springer.

Q That in the Territory? A Yes, it is in the Territory.

Q You are a Cherokee Indian by blood? A Yes, sir.

Q What is your age? A I am 52.

Q You married a Choctaw, or Chickasaw? A Married a Chickasaw.

Q How long have you been down there? A I moved down there about
two years ago.

Q When did you come back to the Cherokee Nation after the war?

A We landed back in the Cherokee Nation in the fall of '65.

Q Where did you live during the year of '66? A We were down
there on Grand River.

Q Where did your father live in '67? A He was on Fryer Creek, I
think he lived on Fryer Creek.

Q Do you know a colored man by the name of Peter Ward, and Abra-
ham Ward? A Yes, sir.

Q When did you first see them after the war? A To the best of
my recollection, I saw them in '68 in Kansas near Mound City.

Q What were you doing up in Kansas? A There was an old negro that
my father owned, lived with him, I met him down here, and he had a
pension coming to him and I went with him up there to draw this money
and I found these people there in Ottawa, we went to Ottawa, Kansas, to
draw this money and there is where I saw these people.

Q Who did you go with? A Jess Brown and Jess Marcus, and there I
saw old Uncle Peter Ward and Abe and Berry, there was younger ones
but they were smaller, I got acquainted with them three.

Q Were they living there at the time? A Yes, sir, they were
living there.

Q Living in town or on a farm? A No, they were living on a farm
out a little piece from Mound City, Mound City, as well as I recollect
must be about 40 or 50 miles of Ottawa, Kansas.

Q About what time in the year did you see them there? A It was
in July or August, I remember they were cutting wheat when I was there.

Q Summer time? A Yes.

Q Well, about how long did you stay around there? A I don't know
how long, I don't remember how long, we stayed a while at Mound City
and then went on up to Ottawa and stayed there quite a while, we didn't
get the money when he first went there, we had to wait on account of
some papers wasn't fixed up right, and we had to stay there, I would
not say positively how long it was.

Q Was you at Peter Ward's house? A I don't say positively; you
see there was a whole bunch of them lived around there, and I went
to several of the houses around there and when they had preaching there
while I was there and I went to church and saw them; they all found
that I was an Indian and they came in to see me and talk with me.

Q You were with these colored men, we colored men? A Yes, sir.

was with Jess, his mother was living there and his brother was there.

Q His mother and brother? A Yes, sir, mother and brother.

Q Did you see Abraham Ward? A Yes, sir, yes, sir.

Q You remember distinctly seeing him? A Yes, I remember him very well.

Q Well now did you meet anybody after you came back home, after you came back to the Cherokee Nation? A What do you mean; when I came back who did I meet?

Q Yes, if anyone? A No, I left them over there; they never come back.

Q Did you meet any of the Couches? A Yes, sir, Sam Couch and Pete Couch had just moved from Texas and I moved on Pryor Creek, they just had moved in, I just had come back from this trip and met them on Pryor Creek.

Q Now how many wards had you seen up there, you saw Peter and Abe and Berry? A I remember Peter, that is Abraham's father, Uncle Peter we called him, and Berry and Squire, not Squire, no, Abraham, them three I remember.

Q There were others but you don't remember? A Yes, there were other boys, I got acquainted with them after they moved back later on, but I don't remember seeing them up there like I do these other men, I knew them after I met them after they came back I knew who they were.

Q Did they say anything about having been back down here after the war before that? A No, sir, never said anything about that, they told me ~~when~~ they were coming back just as quick as they could come, everyone I seen was talking about coming back.

Q Where did you live in '66? A We were down on the Adair place, some called the Adair place and used to be known as the Alex McDaniel place.

Q Where were you in '67? A We were there in '67.

Q Where were you in '68? A Then we went on Verdigris, we had moved over there to Verdigris.

Q And that was in '68 you went up there? A Yes, in '68 I went to Kansas.

Mr. Mellette: You say you saw these wards up there in Kansas at ~~church~~? A Yes, sir.

Q How long did you stay in Kansas that fall? A I can't tell you how long I was there.

Q You didn't lose your citizenship by going up there to Kansas?

A Didn't lose my citizenship, no, sir.

Q How long did you stay there, you say? A I don't remember, might have been there two, three or four weeks.

Q You didn't go to their house? A Yes, sir, I went to old Uncle Peter Ward's house.

Q Why didn't you say just a while ago that you did go to their house? A I said I went to several homes there, they lived all around in that country at different places, and I had been meeting them one day and another while I stayed there.

Q What were you doing while you were up there? A I went up there with this old Jess Brown to get his money.

Q Where did you have to go to get his money? A Went to Ottawa, Kansas.

Q How far is that from here? A I don't remember how far it is.

Q About how far? A Oh, it is a long ways.

Q How far did they live from Ottawa? A As well as I remember, it must be forty or fifty miles, they were living at Mound City to the best of my recollection.

Q What were you doing at Mound City? A There is where Jess's brother and mother lived, we landed there first.

Q What did you stay there for? A He wanted to see his mother, I stayed with him.

Q Did you have to stay with him? A Of course I had to stay with him, I went with him, whenever he got ready to go on up to Ottawa.

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we went on.

Q You saw three wards up there? A Yes, sir, I remember the three.

Q You don't know how long they had been there? A No, sir.

Mr. Hastings: You hauled Jess Brown up in your wagon? A Yes, sir.

Commissioner. This testimony will be made part of the record in Freedman cases D-608, D-610, D-611, D-613, D-623, D-615, D-616, D-618, D-619, D-621, D-623, D-625, D-636, D-605.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 31st of October, 1901.

C. A. McKinnis

Commissioner.

we went on.

Q You saw these words up there? A Yes, sir. I remember the three.

Q You don't know how long they had been there? A No, sir.

Mr. Hastings, you haven't seen Brown up in your wagon? A Yes, sir.

Commissioner. This testimony shall be made part of the record in Freedman cases D-40, D-612, D-611, D-613, D-425, D-615, D-616, D-617, D-618, D-619, D-620, D-621, D-622, D-612, D-623, D-624, D-625.

Since I have been fully advised, upon this as stenographer to the Commission, to the effect that the above is correctly recorded, and the foregoing is a true and correct transcript of the stenographic notes thereof.

Done to and attested at the City of New York, the 21st of October, 1901.

Commissioner.

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COMM. REC. TO THE COMMISSIONED JAMES

RECORDED IN THE

CHIEF CLERK

File with Squire Ward of Ala. C. P. No. 315

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, P. T. October 15, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel Thompson et al, C. P. No. 4808.

Appearances:

James S. Baskin, for the Cherokee Nation
Hollister & Smith for the other applicant.

T. E. Thompson, being first duly sworn by Corin T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Baskin.)

Q What is your name? A T. E. Thompson.

Q Where do you live? A 5 miles south of Vinita.

Q What is your age? A 34.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.

Q Did you know him before the war? A Yes sir.

Q Do you know where he went during the war? A I think he went north to Kansas.

Q Where did your family go during the war? A To Red River.

Q Choctaw Nation? A Chickasaw Nation.

Q When did you return to this country? A In the fall of '88, in October.

Q Did this applicant go with your family? A He never was with us during the war.

Q When your family returned to the Cherokee Nation where did they locate? A On Grand River 12 or 13 miles east of here.

Q How far from where they had originally lived? A Same place.

Q Was the applicant there when you returned? A No sir.

Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.

Q With reference to the time the railroad was here was it? A The Katy, I don't think.

Q About what year was it? A I will say I remember it was in '71 or '72.

Q Had the applicant prior to that time lived on your place on Grand River? A No sir.

Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.

Q Where was he living at that time? A On Big Creek, he told me.

Q Did he say then that he had been living on Grand River at the old place? A No sir.

Q You had always lived on the old place since your return? A Yes sir.

Q Same place you lived as prior to the breaking out of the war? A Yes sir.

Q Had the applicant been there after the war -- at your house? A Not that I know of.

Q You saw him here in Vinita and the first time after the war? A Yes sir.

Q Did he come to your house at that time and stay at Mr. Fisher's house and stand away from you and my father?

(By Smith.)
Q What was your father's name? A Johnson Thompson.

Q Is he a Cherokee? A Yes sir.

Q By blood? A Yes sir.

Q A recognized citizen of the Cherokee Nation? A Yes sir.

Q Did he own Daniel Thompson before the war? A Yes sir.

Q Was Daniel Thompson with your father when the war broke out? A Yes sir.

Q What time did you see him here after the war? A November, '88.

Q You came to that place from the old place?

Q How far from where you lived? A 12 or 13 miles.

Q How old were you then? A I was 14.

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Q Just now? A Yes sir.

Q From the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school one or two sessions at Pea Ridge, Arkansas.

Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.

Q All you know is that the first time you saw him was in '71? A Yes sir.

Q You don't know how long he had then been in the Cherokee Nation?

A No sir.

Q You don't know where he was during the war? A No sir.

(By Davenport)

Q When were you at school? A In '67, in the fall.

Q You was at home then from '66 to the fall of '67? A Yes sir.

Q You never saw the applicant there then? A No sir.

Q Never heard of him being there did you?

BY MR. SMITH: I object to him stating what he might have heard.

(By Smith of witness)

Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.

Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A David Stinger.

Q Where do you live? A On Big Creek, Cherokee Nation.

Q How old are you? A 60.

Q How long have you lived in the neighborhood of Big creek in the Cherokee Nation? A About 26 years.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Since '72.

Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.

Q What was he doing when you saw him? A Just commenced making a farm there.

Q Did you have a conversation with him then? A Yes sir.

Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here—thought he would come back home as he called it.

Q Did he have a family with him then? A Yes sir.

Q What year was that? A I think in '72.

Q What improvements had he made then? A Nothing, he was just in a wagon there.

Q Did he say when he had gone to Kansas? A No, I don't know anything about that.

Q Was anything else said about his having been in the Cherokee Nation before that? A I don't think there was.

Q How many children did he have there? A Two.

Q What were their names? A Sandy and Mandy.

Q Were they both with him? A Yes sir.

Q Did he afterwards make a place there? A Yes sir.

Q Where has he been living since? A Right there all the time.

Q What year was this you say he came there? A '72.

(By Smith)

Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.

Q How long had you been there in '72? A I came there in '71.

Q Where from? A Peoria, Illinois.

Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.

Q You don't know where he was in '69? A No sir.

Q Or in '68? A No sir.

Q Or in '67? A No sir.

Q Or in '66? A No sir.

Q Or in '65? A No sir.

Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.

Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.

Q You don't know when he first came here after the war? A No sir, only that time.

Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Baysport)

Q Was he living there when you came there in '71? A No sir.

Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NEBLE, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Baysport)

Q What is your name? A William Neble.

Q Where do you live? A On Big Creek, Indian Territory.

Q Cherokee Nation? A Yes sir.

Q How long have you lived in the Cherokee Nation, Mr. Neble? A I think I came to the Cherokee Nation in the summer of '64.

Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Good many years, I can't say exactly how long. I think he moved in there on Big Creek right close to me, I think he came from Kansas there in the fall of '78, and he has lived there ever since.

Q Did he settle a place there when he came down? A Yes sir.

Q How far from you? A Two and a half miles.

Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.

Q Did he have his family with him? A Yes sir.

Q Children? A Wife and three children.

Q Did you have any conversation with him? A Yes sir, he told me he just moved in from Kansas.

Q Did he tell you that he was always here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.

(By Smith)

Q When did you first come to the Cherokee Nation after the war? A In '64.

Q Were you in the army? A Yes sir.

Q When were you discharged from the army? A I was discharged, I think it was in '62.

Q In what? A '62.

Q Were you discharged before the war closed? A No sir.

Q But you think it was in '62 that you were discharged? A I believe it was.

Q In '61 maybe? A Somewhere along there.

Q Somewhere in '61 or '62? A Yes sir.

Q You testified Saturday last in the John Vann case didn't you? A Yes sir.

Q Didn't you say then that you were discharged in the year '62 from

the army? A I dont think I did, I think I said I didn't know exactly.

Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.

Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '62.

Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.

Q When did the war close, what year? A I think it was in '61, wasn't it?

Q When did it commence? A You are just a little ahead of me when it commenced, I dont recollect it.

Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time the war was over.

Q What did they discharged you for the first time? A Three years service.

Q Then you went back the second time? A Yes sir.

Q How long did you stay then? A Two years.

Q How long did that war last? A Five years, wasn't it?

Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.

Q What year did you get here? A In the spring of '66.

Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.

Q And you are certain you were discharged from the army after the war was over? A Yes sir.

Q And you got here in '66? A Yes sir.

Q Now, how did you do that? I went from Louisville, Kentucky where I was discharged, to Iowa, and from Iowa to Kansas and from Kansas here.

Q You don't really know anything about his applicant do you? A Only from my papers, it shows that I had some trading with him in '72.

Q You dont know how long he had been here before that? A No sir.

Q You dont know when he came ~~here~~? A No sir, except when he came to Big Creek.

(By Davenport)

Q You dont know when the war began? A No sir.

Q Nor when it closed? A No sir.

Q Had Dave Stinger come to your place before Daniel Thompson come on Big Creek? A Yes sir.

(By Smith)

Q Where did you go after you were discharged? A Iowa.

Q Where did you go then? A Kansas.

Q Where did you stop in Kansas? A Neosho Falls River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.

Q Did you have any trouble up at Ochetopa? A No sir.

Q Were you never arrested in Kansas? A No sir.

Q Do you remember a man named Gage in Ochetopa? I dont remember, I am not acquainted with him.

Q Didn't you have any trouble with him and get arrested? A No sir.

Q Didn't he have you arrested? A I dont think so.

Q Don't you know? A I know I wasn't arrested there.

Q Have you ever been arrested at all? A Yes sir.

Q Where? A In the Cherokee Nation.

Q What for? A Oattle stealing.

(By Davenport)

Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.

(By Smith)

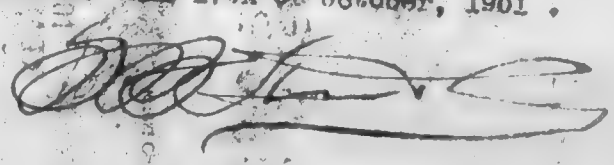
Q are you a citizen of the Cherokee Nation? A Yes sir.

This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-606, and also in C. F. D. cases D-623 and D-693 and their subreferences.

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Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 17th of October, 1901.



Commissioner.

File with case of Squire Ward, et al/, C.F.-D.#615.

Supl.C.F.-D.#607.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CHEROKEE
FREEDMEN OF ABRAHAM WARD, ET AL., the following supplemental testi-
mony is offered on part of applicants:

APPEARANCES:

Mallette & Smith, Attorneys for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

STEPHEN RIDGE, being duly sworn by Commissioner Needles,
testified as follows:

MR. SMITH: State your name? A My name is Stephen Ridge.

Q How old are you? A I am 80 years old.

Q Are you a colored man? A Colored man?

Q Yes? A Yes, sir.

Q Where do you live? A I live in Mound City, Kansas.

Q How long have you lived there? A Oh, about 37 years.

Q In what year did you go there? A I went there in '64.

Q In what time in '64, what season? A Well, I got up there
September 12th.

Q To what place now do you refer? A Mound City.

Q What is your business, what do you do? A Well, I have done
a good many things for a living, but I was employed by the Second
Baptist Church there; that is in '65, in the month of May I took
charge of the Second Baptist church there.

Q In what year? A In '65 in May.

Q Well, in what way did you take charge of it; what did you do?

A I preached the best I knew how.

Q You are a preacher are you? A Yes, sir.

Q Well, did you know a Peter Ward there? A Yes, sir, I know him.

Q When did you first get acquainted with Peter Ward? A I was
slightly acquainted with him down in Arkansas.

Q When did you first get acquainted with Peter Ward? A We was
slightly acquainted as I stated down in Arkansas; no, I will take
that back if you will please, I got little kinda off, I can't keep
memory like I used to.

Q Just tell us when you got acquainted with him? A We was slight-
ly acquainted in the old Territory; wasn't that right; was it.

Q Just stop now and tell us when you first knew Peter Ward?

A Well, I was correct after all.

Q Ever know Peter Ward in Kansas? A Yes, sir.

Q How long had you been up there in '64 before you became acquainted
with Peter Ward? A Oh, I became acquainted with him the first
month I went there; that was in '64.

Q About how long did you know him there in Kansas? A Oh, I
knew him all the while; while he was there until he come away.

Q Well, about how long was that? A Oh, I guess not over a year or
after I got up there; that is as long as we lived together. Well,
if you will let me state it.

Q Go ahead now. A Well, the way this come up; how I got so well
acquainted with him was there as I told you, the church got me, em-
ployed me for a preacher and he was then a member of that organiza-
tion and was a deacon in that church and you recollect we had out-
monthly meetings to transact our business there once a month and
of course we had a great deal of business together; that is the way
I became so well acquainted with him. We was both members of the
same church.

Q Do you know what the last business was that Peter Ward transacted there in that church, or when it was? A Yes, sir. He was with us the 17th day of June, '66; that is the last time he transacted business with us.

Q The last time he transacted business with you in the church?

A Yes, sir.

Q What did you do then? A We elected another deacon in his place.

Q What business was it you transacted on the 17th day of June, '66?

A Well, the reason I remember so well about that, I remember being the last, in receiving a member into the church we, he took a stand against it; that is what keeps me in remembrance of it so well, and it was the last transaction in the church.

Q Have you any book or church record? A I have got that first little book we had, but I haven't got it in my pocket; I had it in the forenoon and went down to dinner and thought I wouldn't have no use for it and left it in my valise.

Q By what did you fix the dates of these church meetings and matters that you have talked about?

Mr. Davenport: I object to that unless you get the book up here.

A The first time the church meetings was for a while we always had out church meetings on the Saturday before the first Sunday in the month and then we changed it, I requested the church to change it to Saturday before the Second Sunday on account of the other organization I had joined.

Q Well, after that time in June, '66 that you speak of, what became of Peter Ward; do you know whether he remained in that neighborhood, or did he go away from that neighborhood? A I heard he came to the Territory.

Q Did you ever see him there any more? A No, sir, I never saw him there any more; didn't see him any more--oh, I don't know for several years.

MR. DAVENPORT: Who is this you are talking about? A Peter Ward.

Q What Peter Ward? A Why Peter Ward that's dead, I know.

Q Just Peter ward? A Yes, sir.

Q Did you ever see more than one Peter Ward in your life?

A No, sir.

Q You saw one in Arkansas? A That is the same one.

Q How many children did Peter ward have? A Oh, I don't know.

Q Did all his children go away when he did or not?

A I don't know whether they all went away at the same time or not; I know they all left.

Q All left eventually? A I would not swear that.

Q Have you been living there at Mound City, Kansas, continuously since that time? A Yes, sir.

Q Don't you know that one of his family lives up there now and has been since the war; one of his boys? A I don't know; which one?

A I am asking you if you know? A Oh, no, I don't know.

Q What boys do you know? A I know some of the elder ones.

Q What is one of the elder one's name? A There was Harry and Abraham and Squire, I know them all, and he had one named Ben and he had one I wasn't so positive, but I tell you I know them, and another one was.

Q That is the last time you saw Peter in the church? A Yes, sir.

Q You have been custodian of the church books ever since that time?

A No, no, we had Clerks.

Q Have you been Pastor in charge of that church ever since 1866?

A No, sir.

Q Have you lived in Mound City all the time since that time?

A Yes, sir.

Q Who do you know up there? A I know quite a number of folks.

- Q Do you know J. B. Brown, up there? A What J. B. Brown.
Q Just J. B. Brown is all I know. A I know one Brown.
Q Well, do you know a fellow by the name of J. L. Ward that lives up there? A What is he?
Q He is a white man or Indian? A I know Mr. Ward.
Q Well, do you know B. Osborn? A Buy Osborn, I know him.
Q He lives there in Mound City.
Q Well, do you know C. W. Kingsberry? A There is a man that lives about there, about three miles above Mound City, I know him by name perfectly well, but I never got so well enough acquainted with him to know him when I see his face but I know there is such a man as that.
Q When did you look up that church record to see when the last time Brother Peter Ward officiated with you? A I just looked it up here about a week ago.
Q Where had that book been all the time? A I had it in my possession.
Q You made the entries in the book? A No, sir, I told you we had a clerk and he was not a member of the church and then we had, or rather thought we ought to have a clerk that was a member of the church and then they elected a man by the name of Sam Clark, he is dead now and after he left he left and went down to Iola, or some place.
Q Well you don't know where Ward went after he left there? A I don't know no more than what he said; said he was going to the Territory.
Q When was that? A That was in '66.
Q How do you know it was in '66? A Because.
Q Does your book say that? A Yes.
Q Your book says Ward had resigned because he was going to the Territory? A No, the book don't say so, but I noticed this in order to find out about the time when Peter Ward left there, I remember; I say it was the 17th day of June, as I stated. It was the 17th day of June and when I found I remembered when looking over it, I noticed that that was the last time Brother Ward was there with us to transact business and it was on the 17th day of June, '66; but he never was with us any more after that in our transactions in the church and of course that give me a very good reason to believe that he came right off because he had been talking of it before.
Q You don't know that he moved at once to the Territory? A I don't know; that is, I don't know what day he left on; I know he never was with us in church meeting after that, and I have always believed he came right straight to the Territory because I never saw him any more; after he had been up there in the neighborhood he would have been in the church meetings.
Q You are just imagining that? A I know that because he was a faithful member and never missed.
Q Did your members attend all the time or did some of them backslide? A I could not tell you much about that, because we always has some little back-sliding in the churches and of course we didn't keep track of it all the time.
Q Where was it in Arkansas you saw this fellow? A We met in Mayesville; well, we wasn't well acquainted then as we might have been, but remember when we met here in Kansas that we had met before.
Q Well, where was you living when you met this man at Mayesville, Arkansas? A I was living on Honey creek.
Q In what country? A In the Indian Territory.
Q Are you a Freedman? A I am a Freedman, but I have about give it up because you have took such stand here against us freedmen, and because we lived a little while in Kansas, we could not live here; I have spent about a hundred dollars to get my name on, and did have my name on the Wallace roll and when I come to find it could not find it.

Q Did you get your name on the Kern-Clifton roll? A No, sir, I didn't know when was the proper time, I come too late.

COM'R NEEDLES: Had Peter Ward been talking to you about coming to the Territory? A Yes, sir, he talked it all around there, it was known all over the neighborhood he was coming to the Territory and of course we calculated when he left there that he come to the Territory and I believe that with all my soul.

MR. DAVENPORT: He has been talking to you since you have been down here this time? A We talked a good deal, we always do when we meet; I have been down here several times before since he come, but I didn't meet him after he come down here, I expect it must have been five or six years afterwards. Well, the first time I met him was when I come to get my name on the Wallace roll after he come.

(Application is continued until the witness can send and get the book of which he has been referring.)

Q In giving your testimony a while ago when you referred to your church book; is the name of Peter Ward shown in the book on the date you referred to as fixing the date that he last officiated with you at the church? A No, sir.

Com'r Needles: This testimony will be made part of the record in the case at bar and part of the record in D)608, D610, D-611, D-613, D-425, D-615, D-616, D618, D-619, D-621, D-622, D-623, D-625, D-626, D-605.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson
J. O. Rosson

Subscribed and sworn to before me this November 5th, 1901.

[Signature]

Commissioner.

File with Cherokee Freedmen. 2-615, Squire Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winnipeg, N.D., October 22, 1901.

In the matter of the application of Abraham Ward et al. for
enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mallette & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

A. R. WAYNE, being duly sworn by Commissioner Hecles, testi-
fied as follows:

Mr. Hastings: What is your name? A. A. R. Wayne.

Q What is your postoffice? A Mound City, Lynn county, Kansas.

Q What is your age? A I am 56 years old.

Q Were you in Lynn county, Kansas, during, and the years imme-
diately after the war? A Yes, sir.

Q I will ask you if you know a colored man by the name of Peter
Ward? A Yes, sir.

Q Where did you learn to know him at first? A Four miles and
a half west and one half mile north of Mound City, Lynn county, Kansas.

Q When? A In 1866.

Q You know whose place he was living on at that time? A I forgot
the name of the man at that time, in '66.

Q Do you know where he moved, if at all, in '66? A He moved to
the farm of Amos Durbin, and came call it the C. W. Kingsbury place
now.

Q Is Kingsbury his grandson? A Of Durbin's, yes sir.

Q How long did he continue to live on the Durbin farm? A 3 years.

Q Now by what do you know that? A The first time that I saw him
I know where I was working breaking prairie, and I stuck a thorn in
my foot right in there, and I stopped and Mrs. Ward said that the gall
of a bee was the best thing I could put on it, and by me breaking
prairie I know it was in '66. I know where I was living at that time.

Q How do you fix the next date, three years later, which would
make it in '69? A I have a record of the expenses that I had paid
out in May, toward the last of May, from the first of January till
the last of May, that me and him had a transaction whereby we I paid
him \$2.50.

Q Peter Ward? A Yes, sir, the second day of March.

Q Of what year? A 1869.

Q Where was he living at that time? A He was living on the farm
of Amos Durbin.

Q Do you know any of Peter Ward's children, sons, nephews of his
family? A I know one girl and I know Abraham Ward, Clint Ward, I
perceive his name is Clint, but we all called him Clint, and George! I
believe that is all that I can bring to mind now at the present time.

Q Have any by the name of Berry? A Yes, sir, I think Berry was
the second boy.

Q Was there one named Squire Ward? A Yes, sir, I think there was.

Q You recollect it now? A Yes, sir, Squire Ward.

Q There were these children living between the years of '66, when
you first knew the father, and '69? A They were living with their
father. The boys of course would work around first one place and
another wherever they could find work, but there is where they are
these days, with their father.

Q Have you seen them since that time, '69? A No, sir, I haven't.

Q Do you know whether or not they are now living in this place?
Durbin's, met them so often on this farm I have in this place.

Q Do you know that one over there (indicating Abraham Ward)?

A Yes, sir, I have seen that gentleman over there, but I can't tell you his name; I know by the look of him I have seen him.

Q You don't recollect to have seen any of them since '69? A No, sir.

Q How far did you live from them say in '69, from the Durbin farm?

A About a mile and three quarters.

Q Well now did you live that far from '66 to '69 to them? A No, sir, in '66 I was living farther off.

Q Well, when did you come up nearer to them? A When I got married in '67; I was married in '67 and I was a little bit closer to them.

Q Well, were you as near in '67 as you were in '69? A Same place.

Q You were as near to them in '67 as you were in '69? A Yes, sir, same place.

Q And you remained on the same place from '69 to '69? A Yes, sir.

Q Now during that time, far from '66 up to '69, did you miss Peter Ward or any of his sons away from up there? A No, sir.

Q Did you have occasion to see them from time to time? A Only upon one occasion to my knowledge that I got to see them except just in passing around; I had one transaction that I was over to their house.

Q Did you see them in the country any place? A Oh yes, I have seen them around.

Q You mean by that, that that is the only time you ever had any personal business transaction with them? A Yes, sir, that is what I mean, personal business transaction.

Mr. Smith: What month in the year 1868 was it you got acquainted with Peter Ward? A Well sir, I can't tell you what month, but then I know it was along in the spring because I was breaking prairie, breaking it with oxen.

Q Did you break any ground except in the spring? A Not the prairie, to my knowledge, I never did.

Q You have been there in that country ever since '69? A I had been there ever since '66.

Q You had been living there some ten or eleven years when you first became acquainted with Peter Ward? A Well, I came there in May '55, and it was '66 when I first recollect getting acquainted with them to know them.

Q Now in what way do you fix the date as in '66 when you first became acquainted with Peter Ward? A I was breaking prairie west of where they lived, and I came up there in regard to my foot; as I said, I had stuck a stub in my foot, and I came up there and Mrs. Ward gave me a piece of hog wall to put on it to draw it.

Q Well, did your foot get well? A Well it isn't off, I suppose it did.

Q Well that has been how long ago? A Well '66; that has been 35 years ago.

Q When did you first have any occasion to remember the matter, or date when you first met Peter Ward, or when was that ever called to your attention first after that time? A For the first time you mean!

Q Yes? A Well it was in March, '89, that I had the transaction with him.

Q That had nothing to do, however, with the time you first met him?

A No, sir, not to my knowledge, no, sir, just saw them from then in passing around.

Q What I mean to say is, the fact that you had the business transaction with him in March or any time in '69 would not aid your recollection as to the time you first met him, would it? A I don't know as I understand your question.

Q I say there was no connection between your business transaction with him in '69 and the date when you first met him, nothing connecting the two things together; one had nothing to do with the other, did it? A No, sir.

Q Well then, how when did you first have occasion to remember that you met Peter Ward in '66? A I just not told the occasion, about

plowing and going up there.

Q I know, but you did a great many things in '66 that you haven't had any occasion to think about since, haven't you? A Yes, sir.

Q What first brought this incident to your mind, that is what I am talking about? A What first brought it to my mind?

Q Yes, or recalled this thing you are talking about in '66? A Well I was asked if I knew a man by the name of Peter Ward.

Q When? A Well I think it was pretty near four weeks ago.

Q Who asked you? A Why I think he was by the name of Keys, J. M. Keys I think, if I am not mistaken.

Q Well now from the time this thing happened up to the time that J. M. Keys asked you about it, you had had no occasion to remember this incident, or the date when you hurt your foot, had you? A No, sir.

Q Now for thirty-five or six years you had carried in your mind the date when you had hurt your foot? A Yes, sir, I know the date by that transaction of breaking prairie, know where I was living.

Q How long did you live there? A At that place, only lived there at that place, just one year, working for my brother that year.

Q Now that has been a long time ago, hasn't it? A Yes, sir.

Q Do you think you can swear with certainty it was in '66 and no other time that you met Peter Ward the first time? A Yes, sir, not to my knowledge to know him; I might have met him but not to know him.

Q Do you think you can't possibly be mistaken about the date?

A I know I can't be mistaken in regard to the date of the year.

Q You know that? A Yes, sir.

Q Well now Mr. Wayne, where is your record? A In my pocket in a book.

Q I would like to see that. A (Witness produces book) That record commenced there, January 2, 1869, it goes on down to there, (indicating on book) is Peter Ward, \$2.50; it goes on down to here, to May, '69, \$102.64; I spent during that time \$102.64.

Q When did you commence to keep this book? A Well, I think that book came in my possession in 1868, along in the winter of '68.

Q When did you quit making entries in it? A In regard to my expenses?

Q No, entries at all? A Well I think probably it was away along in the seventies somewhere, might maybe have been late as '76, toward the back there in regard to some Sabbath School records I think, and in that fore part there is some few pages that was in '69, some transactions, and some probably in the seventies somewhere.

Q Mr. Wayne, at the place in this memorandum where the name of Peter Ward occurs, there is no year there, is there? A No, sir, there isn't; there was no occasion for the year when I was keeping the account; you will find here it is entered, and it goes on down here, and here it is March first, and March 2, and goes on down, 9, 11, 12, 13, etc.; there was no occasion for it in keeping the record.

Q Mr. Wayne, what is the entry immediately above the name Peter Ward? A (Reading from book) That there is Sam Brown, a colored man, 35¢; no, it is stamps, 15¢.

Q You are sure that that is stamps? A No, soda, 15¢.

Q Then it isn't stamps? A No, sir, I thought it was stamps, but it is soda instead of stamps; here is stamps below here.

Q Now Mr. Wayne, that line upon which the word, Peter Ward, is written has been erased? A No, sir.

Q Isn't there an erasure on that line? A Not to that knowledge, and I am the only person that has ever had it.

Q Can you read that entry immediately above that Peter Ward, and Peter Ward, as distinctly as you can this entry immediately below it?

A Well there is a part of the Peter there that I can see just the same as I can the other, the same that is below here; here is some oil I believe.

Q That is not the question; are the entries below clearer and more distinct than the word, Peter Ward? A No, sir, not that I

notice till they get way down there, they are about the same.

Q Now then you see there is a part of the Peter that you can read better than the other part? A Well the t there appears to be a little bit plainer.

Q Can you see any e in that Peter? A Yes, sir.

Q Where is it? A Right after the t.

Q If you didn't know what it was could you tell what the remaining letters after the P were? A Yes, sir, that is my handwriting and I would.

Q Now why, Mr. Wayne, is that word Peter word blurred, as it appears upon the record? A I can't tell you any more than here; not a bit.

Q You don't know? A No, sir.

Q Did you write the word potatoes on the second page? A Yes, sir.

Q Did you make that P? A Yes, sir.

Q Is that one like this one? A Yes, sir, that one looks like I didn't make it very plain and I taken it again, same as there (indicating) in writing that one. It looks as though I had made two cracks on that, and you will probably find the P somewhere.

Q Now Mr. Wayne, sometimes a P is made with one stroke of the pen?

A Yes, sir.

Q Now that P in potatoes is made that way, isn't it?

A No, I don't make a P but very seldom, sometimes I make a P by running down and then back, and sometimes then I make a P by making a straight mark and going around that way (indicating). I make Ps two or three different ways.

Q Now Mr. Wayne, the word Peter there in this book is blurred?

A Yes, sir.

Q It is indistinct? A No, sir, not to my mind it is not.

Q Not as clear as the entries below it? A It is about the same thing here except that P in here, that I see, appears to be a little plainer than that e-t-a-r.

Q Well, do you state that that is as clear as the entries below?

A No, sir, I saw it is not, it is the same as some that would be over here (P) as other places.

Q Now you didn't see this book since eighteen and what? A Oh I have probably referred to it for some regards in regard to an orchard that I set out, and my little boy that is dead might have got hold of it once, he might have got hold of that book.

Q Where was this book when you were first interrogated about Abraham Ward? A It was in my desk in my room.

Q Did you remember, when you were interrogated as to the time when you had had any business transactions with Peter Ward, without reference to that book? A No, sir.

Q Then you are testifying from that record? A I am testifying from my record in regard to the transaction.

Q Is the record is wrong you are wrong? A Yes, sir.

Q Can you tell me who made the blur, or erasure, if it is an erasure, upon that line upon which appears the name of Peter Ward? A No, sir.

Mr. Smith: If the Court please, I would like to offer the book.

Mr. Hastings: You can't take the book away from the man.

Q Do you want this book any more? A I have some records in regard to some orchards that I would have to have here.

Q If you are willing, we would like to keep it a while in this case, and the commission will return it to you afterwards. A I have no objections, but there is a little paper in there I would like to get out afterwards.

Mr. Hastings: When was this entry made; was it made at the time that it purports to have been made? A Yes, sir, I tried to put them down the night in which they were made.

Q Mr. Wayne, now the page before, or the second page before this entry of Peter Ward, I notice this date: (reading) January 2, 1884. Is that correct? A Yes, sir.

Q Following that are a great many entries and only the month and the day; is that intended to be that year? A Yes, sir, everything down to May, '89; it tells the date on the opposite page.

Q Opposite page to where you summed it up? A Yes, sir, to where I summed it up here, it is three pages over.

Q Well, between the two pages before this and say three pages afterwards, they contain the transactions of that year of '89? A It does, yes, sir.

Q Mr. Wayne, a good part of this record was kept with pencil, wasn't it? A Yes, sir.

Q Has it ever been erased or mutilated other than by wear? A No, sir, not to my knowledge, unless my little boy might have got hold of it.

Q Well, you never mutilated that name of Peter Ward or erased it? A No, sir, I wouldn't have any occasion to.

Q Is that in the same condition that you found it when Mr. Keys made the inquiries of you with reference to your knowledge about Peter Ward? A It is exactly the same.

Q No change has been made? A None whatever.
Commissioner: The book testified about will be filed with the papers in the case.

Commissioner: This testimony will be made part of the record in the case at bar, and part in D-008, D-810, D-811, D-812, D-125, D-815, D-816, D-818, D-819, D-821, D-822, D-823, D-825, D-826, and D-828.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones
Sworn to and subscribed before me this the 15th of November, 1901.

M. D. Lincoln
Notary Public
Commissioner

File with Squire Ward, C. F. D. 615

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 28th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #607
SUPPLEMENTAL TESTIMONY

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants

By Mr. Hastings: I desire to file a certificate from J. A. Gady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: "Peter Ward, one Female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Gady, testified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Brackinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

=====

(COPY)

State of Kansas: ss.
County of Linn:

I, J. A. Gady County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: "Peter Ward, one Female dog." said entry is on page 75 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(Signed) J. A. Gady
(SEAL) County Clerk of Linn County, Kansas.


=====

By Commissioner Brackinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of counsel for the applicants, be filed in the cases to which this case refers and all subreferences thereto as found upon the records of this Commission.

=====

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this 28th of November, 1901.


Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October, 25th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #335
SUPPLEMENTAL TESTIMONY

Apparances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants

By Mr. Hastings: I desire to file a certificate from J. A. Gady, County Clerk of Linn County, Kansas, showing that from the assessment rolls of Mound City Township in Linn County Kansas, for the year 1887, there appears the following: "Peter Ward, one female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Gady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. A. Brackinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

State of Kansas: ss.
County of Linn :

I, J. A. Gady County Clerk within and for the above named County and State, do hereby certify that I have examined the assessment rolls of Mound City Township in Linn County, Kansas, for the year 1887, and find that Peter Ward is listed on said rolls as follows: "Peter Ward, one Female dog." said entry is on page 76 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1887, and said assessment and list of property owners was taken during the month of March, 1887, and based upon residence of said County for March 1, 1887, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 25th day of October, A. D. 1901.

(Signed) J. A. Gady
County Clerk of Linn County, Kansas.

By Commissioner Brackinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of counsel for the applicants, be filed in the cases to which this case refers and all references thereto as found upon the records of this Commission.

Chas. von Volze, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitwire, Trustee for the Freedmen, vs The Cherokee Nation, No. 19202 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Esquire W. W. Hastings

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) E. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

E. G. Reuter
Notary Public.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Peter Hudson and others, consolidating the applications of

Peter Hudson,.....	Cherokee Freedmen	D 604
William Hudson, et al.,.....	"	D 603
Peter Ward, et al.,.....	"	D 613
Abraham Ward, et al.,.....	"	D 607
Ben Ward, et al.,.....	"	D 616
Squire Ward, et al.,.....	"	D 615
Sadie Ward,.....	"	D 686
David Ward,.....	"	D 619
George Ward,	"	D 428
Alonzo Ward, et al.,.....	"	D 608
Will Ward, et al.,.....	"	D 610
Berry Ward,.....	"	D 611
Lena Ward, et al.,.....	"	D 1117
Malinda Williams, et al.,...	"	D 618

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Peter Hudson for himself; by William Hudson for himself, his wife, Eliza, and his minor children, Emmett, Levi, Wilburn, Ida and Ivory Hudson; by Peter Ward for himself, his wife, Louisa, and his grandchild, Eva Ward; by Abraham Ward for himself and his son, Artes Ward; by Ben Ward for himself, his wife, Sarah, and their minor children, Vannie, Martha, Clarence, Neal and Myrtle Ward; by Squire Ward for himself and his minor children, Joseph, Jennie and Eliza Ward; by Sadie Ward for herself; by David Ward for himself; by Nancy Ward for her husband, George Ward, among others, the other parties to her application, being differently classified, are not embraced in this decision; by Alonzo Ward for himself and his minor children, Savannah, Ezra and Elmera Ward, as Cherokee Freedmen, and for his wife, Mahala Ward, as a Cherokee Freedman by intermarriage; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Mahala Ward, as such, will not be passed upon, or con-

sidered in this decision; by Will Ward for himself and his minor children, Gracie and Frances Ward; by Berry Ward for himself; by Lena Ward for herself and her minor child, Roxie Beeson, and by Malinda Williams for herself and her minor children, Monroe and Delois Williams. A copy of the testimony taken at Vinita, Indian Territory, on October 15, 1901, in the matter of the application of Daniel Thompson, et al., is made a part of the record herein.

The evidence shows that the applicant, Peter Hudson, together with his wife, Charity Hudson, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion, but returned thereto prior to January 19, 1867. The applicants William Hudson and Sarah Ward, wife of Ben Ward, are the adult children of Peter Hudson and Charity Hudson. The said William Hudson and Sarah Ward were minors at the commencement of the rebellion and are considered to have acquired the status of their mother, Charity Hudson, and, therefore, to have been the slaves of a Cherokee citizen at the commencement of the rebellion. It appears that they returned to the Cherokee Nation with their parents prior to January 19, 1867.

It further appears that the minor children of said William Hudson, included in his application, were born since 1866 and derive their rights to enrollment through him; that Lena Ward, Roxie Beeson and Vannie, Martha, Clarence, Neal and Myrtle Ward, were all born since 1866 and are the descendants of the said Sarah Ward, nee Hudson. The evidence further shows that the said Peter Hudson, William Hudson and Sarah Ward, nee Hudson, have resided in the Cherokee Nation from 1866 up to and including the date of their applications herein. The said descendants of William Hudson and Sarah Ward, nee Hudson, are considered to have resided all their lives in the Cherokee Nation with the parents through whom they claim.

It further appears that the applicants Peter Ward, Louisa Ward, Abraham Ward and Ben Ward were the slaves of Cherokee citizens at the commencement of the rebellion; that they removed from the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The applicants Eliza Hudson, Eva Ward, Artes Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elnora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, all born since 1866, are the respective descendants of the said Peter Ward, Louisa Ward and Abraham Ward and have no rights as Cherokee Freedmen, except such as they may have acquired through their said ancestors.

The applicant Squire Ward was a minor at the commencement of the rebellion and is considered to have acquired the status of his mother, Louisa Ward, and therefore to have been the slave of a Cherokee citizen at the commencement of the rebellion. It appears that he was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The said Joseph, Jennie, Eliza and Sadie Ward are his descendants, born since 1866, and have no rights as Cherokee Freedmen, except such as such descendants.

None of the names of the persons whose applications for enrollment are denied herein, are found on the 1860 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that Peter Hudson, William Hudson, Emmett Hudson, Levi Hudson, Wilburn Hudson, Ida Hudson, Ivory Hudson, Sarah Ward, Vannie Ward, Martha Ward, Clarence Ward, Neal Ward, Myrtle Ward, Lena Ward and Rexie Beeson should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495); and that the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abraham Ward, Artes Ward, Ben Ward, Squire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Sadie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elmore Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Deloris Williams as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of said Act of Congress, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

W. E. Stanicy.

Commissioner.

(SIGNED)

W. E. Stanicy.

Commissioner.

Dated at Muskogee, I. T.,

this JUL 10 1903

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Squire Ward,

Centralia, I. T.

Cherokee T-B-615.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

9
No. D. 615

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901

Given under my hand this.....
day of..... A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the

..... day of SEP 18 1901, 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A. D. 1901

Subscribed and sworn to before me
this..... day of..... A. D. 1901.

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 20 1901

NOTICE!

IN THE MATTER OF the application of Squire Ward
for enrollment as a Cherokee citizen:

Case No. D 615

To Squire Ward or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Winn, Indian Territory, Indian Territory, on Oct. 5th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 7 1897

L B Bell
W J. H. H. H.
Attorneys for the Cherokee Nation.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN

JUN 8 - 1901

Date.....
Post Office Centralia, S.C.
District COOWEE SCOWEE.

1. Name Squire Ward Age 40 about
Owner's name..... Citizenship.....
Year 1880 Page 176 No. 3139 District Scowee

Parents:
Father Peter Ward Citizenship Reformed
Mother..... Citizenship.....

2. Name of wife..... Age.....
Owner's name..... Citizenship.....
Year..... Page..... No. District.....

Parents:
Father..... Citizenship.....
Mother..... Citizenship.....

	Names of Children	Year	Page	No.	Dist.	
3.	John Joseph Ward	1880	176	3139	Scowee	18
4.	Emma "	1880	176	3140	"	16
5.	Eliza "	1880	176	3141	"	13
6.		Year	Page	No.	Dist.	
7.		Year	Page	No.	Dist.	
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by No. 1 Stenographer B. E. Jones

No. on Wallace Roll P. 151 No. 3149, Scowee Dist
No. on S.C. Roll as per Ward
No. on Wallace Roll P. 151 No. 3151, Scowee Dist


7 ref to H 605

Represented by Mitchell & Smith, Clinton, S.C.

VB.

J.D. 6/8

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 8 1901


ACTING CHAIRMAN

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 21 1901

51908

50

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 21st, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the original testimony of June 8th, 1901, in the
matter of the application of Squire Ward et al for enrollment as
Freedmen of the Cherokee Nation.

W. W. Nellotte

Attorney for Applicant.

Cherokee F. #D615.

COPY.

Cherokee Freedmen
D-604, do.

Muskogee, Indian Territory, July 17, 1903.

W. V. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 15, 1903, in the consolidated case of Peter Hudson, et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Deason, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Nna, Abraham, Arden, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah Mara, Elmera, Will, Gracie, Frances and Berry Ward, and Malinda, Monroe and Delois Williams, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. H-2.

COPY.

Cherokee Freedmen
D-615

Muskogee, Indian Territory, August 24, 1903

Squire Ward,

Centralia, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your three minor children, Joseph, Jennie and Elisa Ward, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-143

Register.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, August 24, 1903

Edgar Smith,

Attorney for Peter Hudson et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah, Ezra, Elmore, Will, Grace, Frances and Berry Ward, Malinda, Monroe and Delois Williams as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

-2-

made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-149

Register.

COPY.

Cherokee Freedmen
D-104 et al.

Washington, Indian Territory, August 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Peter Hudson et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Dixie Deeven, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Agiro, Joseph, Jennie, Eliza, Sadie, David, George, Alenna, Maryannah, Nora, Minora, Will, Gracie, Frances and Berry Ward, Malinda, Monroe, and Delois Williams as Cherokee freedmen.

Respectfully,

T. B. Needles.

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-150

Refer in reply to
the following:
Land.
55270-1904.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, April 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated March 4, 1902, transmitting the record relative to the applications of Peter Hudson, et al, for enrollment as Cherokee Freedmen.

Peter Hudson applied for enrollment of himself; William Hudson for the enrollment of himself, his wife Eliza and their children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson; Peter Ward for himself, his wife Louisa, and his grand-child, Eva Ward; Abraham Ward for himself and his son, Artes Ward; Ben Ward for himself, his wife, Sarah, and their children, Vannie, Martha, Clarence, Neal, and Myrtle Ward; Squire Ward for himself and his minor children, Joseph, Jennie, and Eliza Ward; Sadie Ward for herself; David Ward for himself; Nancy Ward for her husband; George Ward and others who are differently classed and not included in the Commission's decision; Alonzo Ward for himself and his children, Savannah, Ezra, and Elnora Ward and for his wife, Mahala, as an unmarried freedman; Will Ward for himself and children, Gracie and Frances Ward; Berry Ward for himself Lena Ward for herself and child, Roxie Beeson; Malinda Williams for herself and her children, Monroe and Delois Williams.

(2)

The right of intermarried citizens of the Cherokee Nation to enrollment not having been determined, the Commission did not pass upon the application for the enrollment of Mahala Ward. In a decision dated July 10, 1903, the Commission found that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward and Roxie Beeson are entitled to enrollment as freedmen, and the other parties to this consolidated case are not entitled to enrollment as such. The evidence in the case shows that Peter Hudson was at the commencement of the late Civil War a slave of Susie Hudson, a citizen of the Cherokee Nation. He went to Kansas during the war, but the evidence satisfactorily establishes that he returned to the Cherokee Nation and took up his abode therein during the year 1866. He is, therefore, entitled to enrollment.

William Hudson is the son of Peter Hudson and Charity Hudson, deceased. His status is the same as that of his father, and it necessarily follows therefore that he is entitled to enrollment, as are also his minor children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson. His wife, Eliza Hudson, nee Ward, claims that she is entitled to enrollment as a freedman. She is the daughter of Abraham and Caroline Ward, the latter of whom is deceased.

Abraham Ward is the son of Peter Ward. It becomes necessary, therefore, to ascertain whether Abraham Ward by himself or through his father was the slave of a citizen of the Cherokee Nation, and if so, whether he left the Nation and returned within the time limit fixed by the treaty of 1866. Abraham Ward claims to have been the

(3)

slave of Jim and Eliza Ward, citizens of the Cherokee Nation. He says that in 1862, after he had been liberated, he went into the Union Army, General Blunt's Division, as a body servant. In June 1901, he testified that he was 55 years of age, therefore, he was born in 1846, and was 16 years of age in 1862. The record in the case does not show that he returned within the time limit fixed by the treaty, therefore, Abraham Ward, and his son Artes, are not entitled to enrollment, and neither is his daughter, Eliza, who is now the wife of William Hudson, unless they are entitled to enrollment by reason of the status of Peter Ward, father of Abraham Ward.

The record shows that Peter Ward was the slave of George Ward, a Cherokee citizen. He went to Mound City, Linn County, Kansas, during the war, and claims to have returned during the year 1866. The preponderance of the evidence, however, shows that he did not return prior to April 11, 1866, and he is not entitled to enrollment as a Cherokee Freedman, neither is his grand-child Eva, unless it be by reason of descent from her grandmother, Louisa Ward, or the persons mentioned in the Abraham Ward group.

From the record it appears that Louisa Ward, wife of Peter Ward, moved from the state of Georgia, with her husband, to the Cherokee Nation. They appear to have been the slaves of George Ward, a Cherokee. She went to Kansas at the time Peter Ward did and returned at the same time. Her status is, therefore, the same as that of Peter Ward, and she is not entitled to enrollment, neither is her grandchild, Eva Ward by reason of descent from her or any of the persons mentioned in the Abraham Ward group by reason of such descent.

Ben Ward is the son of Peter and Louisa Ward. He testified that on June, 1901, he was 43 years of age. He was born therefore in 1858. His father claims to have been the slave of George Ward, and he claims to have been the slave of Jim Ward. The record shows that he went to Kansas with his father and returned at the same time. He did not return within the time limit fixed by the treaty and is not entitled to enrollment. His wife, Sarah Ward, is the daughter of Peter Hudson and her right to enrollment and the right of her minor children, Vannie, Martha, Clarence, Neal, and Myrtle Ward, depends upon their descent from him.

The record shows that Peter Hudson and the members of his family returned to the Cherokee Nation prior to the expiration of the time limit fixed by the treaty of 1866, and the applicants last mentioned are, therefore, entitled to enrollment.

Squire Ward is the son of Peter Ward. He testified in June, 1901, that he was "Forty some odd years" of age. Squire Ward, Joseph, Jennie and Eliza Ward, are not, as hereinbefore shown with reference to Peter Ward, entitled to enrollment as freedmen by reason of descent from Peter Ward, as the members of Peter Ward's family did not return to the Cherokee Nation prior to February 11, 1867.

Mary Ward, nee Mays, deceased, the record shows, was the daughter of David Mays, and the mother of minor applicants Joseph, Jennie, and Eliza Ward. It is plain that she was a slave in the Cherokee Nation and "belonged to the Whitmires." From the record the minor applicants last mentioned do not appear to be entitled to enrollment

by reason of their mother being a Cherokee Freedman, or by reason of descent from their grandfather, David Mays.

Sadie Ward is the daughter of Squire Ward, son of Peter Ward. Squire Ward and Peter Ward not being entitled to enrollment, it follows that Sadie Ward is not entitled to enrollment. David Ward is the son of Peter Ward. He was 39 years of age in June, 1901, and his status is the same as that of his father. He is not, under the record, entitled to enrollment as a Cherokee Freedman.

George Ward, for whom Nancy Ward applied, testified in May, 1901, that he was 36 years of age. He is the son of Peter Ward and if he has any right to enrollment as a freedman it is by virtue of the status of his father. His father not being entitled to enrollment, for the reason that he did not return to the Cherokee Nation before February 11, 1867, applicant George Ward is not entitled to enrollment.

Alonzo Ward is a son of Abraham Ward, who is a son of Peter Ward. In June, 1901, he testified that he was 35 years of age. He was born after the close of the war, and the record shows that his father, Peter Ward, and the members of his family, did not return to the Cherokee Nation within the required time. Alonzo Ward and his children, Savannah, Ezra, and Elnora, are not, therefore, entitled to enrollment as Cherokee Freedmen, and as hereinbefore stated his wife, Mahala Ward, applied for enrollment as an unmarried citizen, and the Commission has not yet passed upon her rights, if any she has.

Will Ward is a son of Abraham Ward and grandson of Peter Ward. For the reasons hereinbefore stated, Will Ward and his children,

Gracie, and Frances, are not entitled to enrollment by reason of descent from Abraham Ward and Peter Ward. Bell Ward, mother of the two minor applicants last named, is "a state woman," and said applicants are not entitled to enrollment by reason of descent from her.

Berry Ward is a son of Abraham Ward and grandson of Peter Ward. In June, 1901, he testified that he was 23 years of age. Consequently, he was born since the close of the war. His father and grandfather not being entitled to enrollment as Cherokee Freedmen, it follows that he is not entitled to enrollment.

Lena Ward is a daughter of Ben Ward and his wife, Sarah Ward, nee Hudson. Sarah Ward is the daughter of Peter Hudson who was a slave of a Cherokee citizen at the commencement of the war. Peter Hudson left the Cherokee Nation during the war, but returned within the time limit fixed by the treaty of 1866, and is, himself, entitled to enrollment.

Lena Ward, the record shows, was born about 1881, within the limits of the Cherokee Nation. Her mother, Sarah Hudson, being entitled to enrollment and she having lived within the limits of the Cherokee Nation all of her life, is entitled to enrollment as a Cherokee Freedman, as is also her minor child, Roxie Beeson. From the record it appears that William Beeson is the father of Roxie Beeson.

Malinda Williams is the daughter of Abraham Ward and the granddaughter of Peter Ward. As she was only 20 years of age in 1901, and as her father, Abraham Ward and her grandfather, Peter Ward, are not entitled to enrollment, she is not entitled to enrollment, and her minor children, Monroe and Delois Williams, are not entitled to

(7)

enrollment by reason of descent from her.

William Williams, the record shows, is the father of these children. He is not a Cherokee Freedman and the children are not, therefore, entitled to enrollment on account of the status of their father.

In view of the foregoing it is respectfully recommended that the decision of the Commission of July 10, 1903, wherein it is held that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward, and Roxie Beeson, are entitled to enrollment as Cherokee Freedmen, and that the other parties to the case, whose applications they passed upon, are not entitled to enrollment as Cherokee Freedmen, be approved.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

GAW-D

D C 14391-1904.

COPY

WCF

I.T.D. 3254-1904. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

FHE

April 29, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On August 24, 1903, you transmitted the record in the consolidated Cherokee Freedmen case of Peter Hudson (D-604, et al., including your decision of July 10, 1903, granting the application for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the application for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah, Ezra, Elnora, Will, Gracie, Frances and Berry Ward, and Malinda, Monroe and Delois Williams.

Reporting April 15, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

It appears that the original application included the name of Mahala Ward, for enrollment as a Cherokee Freedman by intermarriage. In your decision you did not pass upon her rights as such.

Your decision as to the applicants included therein, is approved. The record is returned herewith, and it is desired that you

-2-

render a decision as to the rights of Mahala Ward, who applies for enrollment as a Cherokee freedman by intermarriage.

Respectfully,

(Signed) Taos Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Berry, Peter, Louisa, Eva, Abraham, Artes, Alonso, Savannah, Ezra and Elmore Ward, Malinda, Monroe and Delois Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-604.

Muskogee, Indian Territory, May 11, 1904.

Edgar Smith,

Attorney for Peter Hudson et al.,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Berry, Peter, Louisa, Eva, Abraham, Artes, Alonzo, Savannah, Ezra and Elnora Ward, Malinda, Monroe and Delois Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-615.

Muskogee, Indian Territory, May 11, 1904.

Squire Ward,

Centralia, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1904, rejecting, among others, your application for the enrollment of yourself and your minor children, Joseph, Jennie and Eliza Ward, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

(COPY)

Vinita. I. T. August 4, 1906.

D.C. 33318

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee I. T.

Dear Sir:

In re:

Motion for rehearing in the matter of the application for the enrollment of Peter Hudson, et al, as Cherokee Freedmen, consolidating the applications of

Peter Hudson, C. F. D. 604,
William Hudson et al C. F. D. 605,
Peter Ward et al C. F. D. 613,
Abraham Ward, et al, C. F. D. 607,
Ben Ward, et al, C. F. D. 616,
Squire Ward, et al, C. F. D. 615,
Sallie Ward C. F. D. 608,
David Ward C. F. D. 619,
George Ward, C. F. D. 485,
Alonzo Ward C. F. D. 608,
Will Ward et al, C. F. D. 610,
Berry Ward C. F. D. 611,
Lena Ward et al, C. F. D. 1117,
Malinda Williams, et al C. F. D. 618,

wherein we filed a motion prior to June 26th 1906, for a rehearing in behalf of some members of the Ward family in this case.

We desire to state that on account of the limited time allowed us in which to investigate this case we did not have the opportunity to go into it as thoroughly as we desired and since the motion was filed we have made a thorough examination of this case both in Kansas and in the Cherokee Nation and after a thorough investigation of the case we find that from the standpoint of the applicants, if a rehearing was granted us in this case we would be unable to add any strength to the applicants side of the case.

Abraham Ward informs us that he took his wife to Kansas with him and she did not return until he did and that Amanda Williams certainly must be mistaken. We had Amanda Williams on the stand recently in the Court here and she stated she was born before the war but declared that she was just 24 years of age. Abraham Ward also advises us that he did make a trip down to the Nation in the fall of 1866 together with his father and brothers but did not remain here and that they thought that was a compliance with the treaty and that they did not come again until in the Spring of 1867. The records in Kansas and book accounts at the stores there show them as trading up there for some time after February 11 1867 and the best citizens around Wound City who have not testified in the case advise us that they remember that the Wards were there some time after the 11th day of February 1867, and the people we first interviewed say after thinking the matter over carefully that Peter Ward's sons came back to Kansas with him after they visited the Cherokee Nation in the Fall of 1866. The marriage records show a number of them married up in Kansas in 1868 and in 1867.

In view of the situation as we find it and of what Abraham Ward himself now tells us, we do not believe any strength can be added to the applicants case if a rehearing was granted and therefore the motion filed by us in these cases may be dismissed so far as we are concerned or if not in your jurisdiction to dismiss it then we would consent that you recommend that it be denied by the Department.

If motions have been filed by any other Attorneys of course we would have nothing to do with them.

We have just completed a very thorough investigation of this case and have interviewed every person of any prominence around Wound City Kansas who could know anything about the case and after this thorough investigation we deem it our duty to lay this matter before you in the manner that we have so that you might take such action as you deem proper in the case.

Respectfully,

Starr & Patten

Muskogee, Indian Territory, August 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On April 20, 1904 (I.F.D. 2254-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated July 10, 1903, in the Cherokee freedmen consolidated case of Peter Hudson, et al., D 004, et al, wherein the applications for enrollment as Cherokee freedmen of Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abraham Ward, Artes Ward, Ben Ward, Swaire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Sadie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elmore Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, are rejected. On June 25, 1906, there was filed with this office by Starr and Patton of Vinita, Indian Territory, a motion for rehearing of said case, insofar as it rejected the above named applicants, to which motion a reply of the Cherokee Nation was filed on July 26, 1906.

In their letter to this office of August 4, 1906 Starr & Patton state that after further investigation of the case they find that they would be unable to add any

Secretary-2

strength to the applicants' side of the case if a rehearing was granted, and, for reasons stated in their letter, they consent that their motion for a rehearing of said case shall be dismissed. Said motion for rehearing, the reply thereto by the Attorney for the Cherokee Nation, and a copy of the letter of Starr & Patten of August 4, 1906, are enclosed herewith, and in view of the statements contained in said letter, it is respectfully recommended that the motion be dismissed.

There was also filed with this office on June 25, 1906, by Thomas A. Foreman, attorneys, Muskogee, Indian Territory, a motion for rehearing of the applications of "Will Ward and his four minor children and of Alonzo Ward and his three minor children, for enrollment as Cherokee freedmen citizens of the Cherokee Nation."

The record shows that the application of Will Ward for the enrollment of himself and minor children, Grace and Frances Ward, as Cherokee freedmen, is included in the above mentioned case, and the records of this office fail to show that an application has been made for the enrollment of any children of his other than these two. The application of Alonzo Ward for the enrollment of himself and minor children, Savannah, Kara and Elnera Ward as Cherokee freedmen, is included in the above named case.

Secretary-3.

The reply of the attorney for the Cherokee Nation to this motion was filed with this office July 17, 1906. There is no claim in this motion as to the discovery of new evidence, or as to the nature of the evidence sought to be introduced at a rehearing, and why it could not be secured, with due diligence, when the case was heard before the Commission, nor is it shown that the motion is not made for the purpose of delay. Said motion and the Nation's reply are also enclosed, and it is respectfully recommended that the same be denied.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Cherokee Freedmen
R 281 et al.

Muskegee, Indian Territory, August 18, 1906

Starr and Patten,

Attorneys for Peter Hudson , et al.

Vinita, Indian Territory.

Gentlemen:

Receipt is acknowledged of your letter of August 4, 1906, referring to a motion for rehearing in the Cherokee freedman consolidated case of Peter Hudson et al. The contents of said letter have been duly noted.

Respectfully,

L M B

Commissioner

Land
72347-1906

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 28, 1907.

The honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter (I. I. D. 3234-1904), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated August 16, 1906, transmitting the motions for rehearing together with the replies of the Cherokee Nation relative to the application of Peter Hudson, et al., for enrollment as Cherokee freedmen.

On June 25, 1906, Starr and Patten, attorneys for the applicants, filed a motion for rehearing in the consolidated case of Peter Hudson, et al., in which the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the applications for the enrollment of Peter, Louise, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alenae, Savannah, Sara, Kinora, Will, Gracie, Frances, and Harry Ward, Eliza Hudson, Malinda, Maurice, and Delois Williams as Cherokee freedmen, was approved by the Department on April 29, 1904 (I. I. D. 3234).

On July 24, 1906, a reply to this motion was filed by
V. F. Hastings, attorney for the Cherokee Nation.

2

On August 4, 1906, Starr and Patten informed the Commissioner by letter that they desired their motion for rehearing dismissed as they had no further testimony to offer on behalf of the applicants which would strengthen their case. A copy of this letter is enclosed.

The Office concurs in the recommendation of the Commissioner that the motion above referred to, be dismissed.

On June 25, 1906, Thomas and Foreman, attorneys, filed a motion for rehearing in the matter of the application of "Will Ward and his four minor children and of Alenno Ward and his three minor children, for enrollment as Cherokee freedmen."

The application of Will Ward for the enrollment of himself and his minor children, Gracie and Francis Ward, as Cherokee freedmen is included in the case of Peter Hudson, et al., above referred to. The Commissioner reports that he is unable to find any record of an application for the enrollment of any other children of Will Ward than those above mentioned. The application of Alenno Ward for the enrollment of himself and his minor children, Savannah, Kara and Kinora Ward as Cherokee freedmen, is also included in the case of Peter Hudson, et al.

The reply of the Cherokee Nation was filed on July 17, 1906.

As the motion for rehearing does not show that new evidence has been discovered, or that the motion is made for any

other purpose than that of delay, the Office concurs in the recommendation of the Commissioner that the motion be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD-C

D.C. 7788-1907

Y.P.

I.T.D. 1848-1907.

LRS

DEPARTMENT OF THE INTERIOR, THE
WASHINGTON.

February 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing in the Cherokee freedman case of Peter Hudson, et al., received with your letter of August 16, 1906, and Indian Office letter of January 28, 1907 (Land 72347-06), are denied, in accordance with the recommendations made by you and the Indian Office. A copy of the Indian Office letter is inclosed.

The papers in the matter have been returned to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 5 for Ind. Of.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

(COPY)

LAND
12132-1907
21308- "

March 2, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith motion for review and re-hearing of Departmental decision of February 4, 1907, in denying motion for re-hearing in the Cherokee freedmen case of Peter Hudson, et al., filed in this Office by Kappler & Merrillat, attorneys for Will Ward and his children, who are parties applicant in the consolidated freedmen case of Peter Hudson, et al.

The motion alleges that an injustice has been done the parties in this case, for the reason that their interests have been consolidated with other interests, which are not supported by sufficient testimony, and that these applicants have lost a just right to enrollment by reason of their case having been consolidated with the case of others, and particularly with reference to Abraham Ward.

The motion is supported by affidavits of Cherokee Indians by blood, and others. The Office is of the opinion that the motion should not be granted at this time, and it is therefore recommended that it be denied.

The record in the case is enclosed herewith.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

(COPY)

D.C. 13299-1907.

I.T.D. 7834-1907.

L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON?

Y.P.

LLB

March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing of the Cherokee freedman case of Peter Hudson et al., filed in the Indian Office by attorneys for applicants, is hereby denied, as recommended by that office in letter of March 2, 1907 (Land 21308), copy inclosed.

The papers in the matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock

Secretary.

1 inc. and 8 to Ind. Of.

J. M. F. 3/4/07.

Cherokee F
R 285.

COPY

Muskogee, Indian Territory, March 7, 1907.

Squire Ward,

Centralia, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in your Cherokee freedmen enrollment case, was denied by the Secretary of the Interior February 4, 1907.

Respectfully,

HJC

W. L. V.

SIGNED *Tams Bixby*.

Commissioner.

Cherokee v
R 281 et al.

COPY

SIGNED Tams Kirby.

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing filed in the Cherokee Freedmen enrollment case of Peter Hudson, et al., was denied by the Secretary of the Interior February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Kirby.

Encl. HJ-84.
HJC

Commissioner.

Cherokee v
R 281 et al.

COPY

Muskogee, Indian Territory, March 7, 1907.

Starr & Patten,

Attorneys for Peter Hudson, et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion for a
rehearing filed in the Cherokee freedmen enrollment case of
Peter Hudson, et al., was denied by the Secretary of the Interior
February 4, 1907.

For your information there is enclosed herewith a
copy of Departmental decision referred to.

Respectfully,

Encl. NJ-86.
NJU

SIGNED *Tams Bledy*.

Commissioner.

Cherokee F
R 285.

Muskogee, Indian Territory, April 1, 1907.

Squire Ward,

Centralia, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys, Kappler & Merillat, for a rehearing of the Cherokee freedman enrollment case of yourself and children, was denied by the Secretary of the Interior, March 4, 1907.

Respectfully,

Acting Commissioner.

LMC

Cherokee F
R 282.

Muskogee, Indian Territory, April 1, 1907.

Kappler & Merrillat,

Attorneys for Peter Ward, et al.,

Washington, D. C.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

Encl. C-102
LMC

Cherokee F
R 282.

Muskogee, Indian Territory, April 1, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a re-hearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

Encl.C-104
LMC

Cher. Fr. R-286

Cher. Fr. R-286

See Cher. Fr. R-285

To be filed with case of Sadie Ward, C.F.D-355.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 8, 1901.

In the matter of the application of Squire Ward for the enrollment of himself and three children as Cherokee Freedmen.

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Squire Ward, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Squire Ward.
Q How old are you? A I don't know, about forty some odd years.
Q What is your post-office? A Centralia.
Q What district do you live in? A Geoweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you desire to enroll besides yourself? A I have four children.
Q Please give me the names of your children? A Sadie.
Q How old is Sadie? A Sadie is about 21 I think.
Q She will have to apply for herself; any children under 21?
A I have three; Joe.
Q How old is Joseph? A He is 18.
Q The next child? A Jennie.
Q How old is Jennie? A Jennie is 16; and Elisha, 13.
Q That all? A That is all.
Q Are you married? A Why no, not now.
Q Were you ever married? A Yes, sir.
Q What was your wife's name? A My wife's name was Mary Mays, she belonged to the Whites.
Q Is she living? A No sir.
Q Were you ever married to her? A Yes, sir.
Q Was she a Cherokee citizen? A Yes, sir.
Q Was she on the roll of 1880? A Not on the 1880 or '96.
Q What was her father's name? A Dave Mays.
Q Is he living? A No, sir.
Q What was her mother's name? A Susan.
Q When were you married to her? A I don't know the day of the year, it was about 23 or '4 years ago, I don't know just what day we were married.
Q Were you ever married before you married Mary Mays? A No.
Q Was she ever married before she married you? A No, sir.
Q Have you got any proof of your marriage? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A It is on the Wallace and Giffen rolls.
Q What is your father's name? A Peter Ward.
Q Were you a slave before the war? A Yes, sir, I don't recollect much about it.
Q Have you a brother named Abram Ward? A Yes, sir.
Q Peter Ward and Abram Ward, the Wards that have just been listed for enrollment as Cherokee Freedmen? A Yes, sir.
Q Where were you born? A I was born at Beattie's Prairie, in the Cherokee Nation.
Q Are you the Squire Ward that wrote to the Secretary of the Interior complaining that the Daves Commission were refusing to put Cherokee Freedmen on the rolls? A No, I didn't write that; some of the people had me write a letter for some ruling or change of the Daves Commission made by their body; I don't think I wrote anything like that.
Q You wrote to the Secretary of the Interior? A Yes, sir.

Q You are President of the Freedmen's Aid Protective Association?

A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Vern-Clifton roll examined, and the applicants not identified thereon as follows:

Squire Ward on page 126, No. 3137, Cooweescoowee District;

Joe Ward on page 126, No. 3139, Cooweescoowee District;

Jennie Ward on page 126, No. 3140, Cooweescoowee District;

Eliza Ward, on page 126, No. 3141, Cooweescoowee District;

The Wallace roll examined and the applicants identified thereon as follows:

Squire Ward on page 151, No. 3149, Cooweescoowee District;

Joe Ward, on page 151, No. 3151, Cooweescoowee District, as Joseph Ward.

Does Abram Ward know about your marriage? A Yes, he knows it.

Abram Ward, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abram Ward.

Q How old are you? A 35.

Q What relation are you to Squire Ward, the applicant? A Brothers

Q Do you know his wife Mary? A Yes, sir.

Q Do you know whether Mary and Squire were ever married or not?

A Yes, sir, they were married.

Q How do you know that? A I was present.

Q Where were they married? A Married up on Big Creek.

Q About how long ago? A It has been twenty odd years.

Q Is Mary Ward dead? A Yes, sir.

Q Did they live together as man and wife until her death? A Yes, sir.

Q They were recognized in the community and neighborhood as man and wife? A Yes, sir.

Q Do you recollect the names of the children? A Sadie; I can't really call the names of all the children.

Q Have one named Joseph? A Joseph, yes sir.

Q Jennie? A Jennie.

Q Eliza? A Eliza Jane.

Mr. Mellette: Are you the Abram Ward who made application to-day for enrollment as a Cherokee Freedman? A Yes, sir.

Q You say the applicant here is your brother? A Yes, sir.

Q Is he the son of Peter Ward? A Yes, sir.

Q Who also applied for enrollment to-day? A Yes sir.

Q Now in relation to yourself, when did he return to the Cherokee Nation after the war? A He came down when we did, me and my father.

Squire Ward, recalled, testified:

Mr. Hastings: Squire, did you see your young sister, Joe Ward, in Kansas just after the war? A No, I didn't see him, he was up there, but I didn't see him, he was up there, but I never saw him; yes, I heard he was there.

Q How long after the war was it you were advised he was up there?

A He was there when he was mustered out, I think at Leavenworth, that is the way I heard it, I was pretty small, I don't recollect it. I didn't see him, I know he came past there, I heard he did.

Q You are the president of the Freedmen's Aid Protective Association? A Yes, sir.

Q About how many members do you have belonging to that Association? A I can't tell you just the number Mr. Hastings.

Q About how many, 500? A No, sir; you mean in the Freedmen's Protective Association at Big Creek; we had that kind of an association there, and there were various others; in ours there was sixty or seventy, maybe more.

Q Mr. Sam Webster belong to that lodge? A I don't remember, seems like he did.

Q George Mr roll belong to it? A Yes, sir.

Q You know your members don't you? A I know some of them, some I don't; there is a good many I know, there is some I don't, I don't have the roll.

Q Well, what is the object of the Association, to swear for each other? A I f they know anything in the particulars of a case to testify the truth as near as they know, and not give in things they don't know; now there is a great many that through it was a good idea to who would make a witness, or who would testify in the court in their behalf.

Q It is a secret organization? A No, it is not much secret.

Q You don't hold your meetings for anybody to come in? A We do some times and some time we don't.

Q Refresh your memory, I want to know if Abram Ward belongs to it? A Yes sir, I think so.

Q Your father Peter? A Yes, sir; I don't know, a good many of the old people don't, I am not positive but I think he did; there is lots that belonged to it that never met after the first meeting.

Q Each neighborhood has a different association? A That is the way it was, yes they have an association, we are just the branches of the same, or about the same.

Q You are the president of yours? A Yes, sir.

Q Who is your secretary? A Nelson Grubbs; there is lots of men I know personally that I know belong to it, but I can't call the names just now.

Commissioner: Has your Association got a constitution or by-laws or articles of association that sets forth what is the object of the Association? A Yes just to protect each other in their rights.

Q Have you any written constitution or by-laws or statement? A We just had a kind of temporary.

Q Did the members sign a paper? A No.

Q Did you have any initiatory ceremonies, make them ride the goat, or anything of that sort? A No, there is not any goat.

Mr. Hastings: You make them take any oath? A No, they did say something about that but it wasn't never exercised to take any oath.

Commissioner: The object of the association is for the protection of the members in enrollment matters? A Yes as far as they know; to give testimony to help each other and assist each other in making the roll legal.

Q Is there any obligation or intention to manufacture testimony? A No.

Q Or to give fraudulent testimony? A No, sir.

Q Or to commit perjury? A No.

Q Nothing of that kind? A No, nothing of that kind.

Q You help each other financially sometimes in regard to this matter? A No, not unless it is for some expense of witnesses.

Q Are expenses of attorneys I suppose? A Yes, sir.

Q Looking out after your own interests? A Yes, sir.

Q Something on the plan of the Cherokee Council looks after theirs? A Yes, sir.

Mr. Hastings: Your meetings though are secret, aren't they? A Why yes, you might call them secret meetings.

Q Have you ever known of a member of your association testifying against one of them? A No, I don't know whether I have or not.

Q Is one of them allowed to? A Well now, if he knew anything, we don't have nothing that is to keep him from it.

Q But you don't know alone that belonged to your association that has testified against another? A No, sir.

Commissioner: There is no obligation that is to prevent any member of this Association from testifying a man wasn't here in '66? A No, our object was to get some body that did know these people, for us just to find out who did know these people, and to testify in their matters.

Q Are their meetings all in secret? A Yes, sir.

Q Sometimes they are open? A Yes, sir.

Squire Ward

Q. You have known is known as executive session the same any other body I suppose? ~~proceeding~~ Yes, sir.

Q. Same as they have in Congress, or the Cherokee Councils, and the legislatures? A. Yes, sir.

Mr. Mellette: Do you remember coming back to the Nation after the war? A. I don't remember much about it. Mr. Mellette, I wasn't old enough to remember much about it.

Commissioner: Squire Ward applies for the enrollment of himself and his three children. From an examination of the rolls of 1880 and 1896, he cannot be identified, but he is identified upon the Kern-Clifton and the Wallace rolls. The names of his three children for whom he applies are identified upon the Kern-Clifton roll, and the oldest one, Joseph, is also identified upon the Wallace roll. He makes satisfactory proof of his marriage to his wife Mary Mays, mother of said children, she being now deceased. He avers that he is the brother of Abram Ward, who is listed for enrollment on D card 607, this day, and the testimony taken in the matter of the enrollment of Abram Ward will be made part of the record in the case at bar, and a copy of the testimony will be filed with the testimony now being taken. The said Squire Ward will be notified of the decision of the Commission when arrived at, by mail. He and his three children will now be listed for enrollment as Cherokee Freedmen on a doubtful card.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones

Subscribed and sworn to before me this 3rd of June, 1901.

(signed) C. R. Breckinridge
Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that same is a true and complete copy of the original transcript.

M. D. Green

Subscribed and sworn to before me this August 9th, 1901.

[Signature]

Commissioner.

1. The first group is the "Caucasian" group, which includes the Armenians, Georgians, and Abkhazians. They are the largest ethnic group in the region and have a long history of settlement in the area.

CONFIDENTIAL
The following is a copy of a letter from the author of the article, Mr. J. H. Smith, to the Editor of the New York Times, dated June 10, 1864. The letter is as follows: "I have the honor to acknowledge the receipt of your letter of the 9th inst. and in reply to inform you that the article in question has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Yours truly,
J. H. Smith

[illegible]

2. The first being a copy made by the first writer to the
Commissioner of the First Division of the State of New York,
and later on is a copy made complete copy of the original transcript.

EX
Elizette A. Smith, for applicants
W. B. Hastings for the Cherokee Nation -

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 28th, 1901.

In the matter of the application of Abraham Ward for the enrollment of himself and one child as Cherokee freedmen; He being sworn by Commissioner T. B. Needles, testified as follows:

Q. What is your name? A. Abraham Ward.
Q. How old are you? A. 55.
Q. What is your postoffice address? A. Wymor.
Q. In what district do you live? A. Coowessacoowee.
Q. Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q. Who do you desire to have enrolled besides yourself? A. One boy after Ward.
Q. How old is he? A. 15 years old.
Q. Are you a recognized Cherokee freedman? A. In part I am.
Q. Is your name on the 1880 roll? A. No sir.
Q. Is it on any of the rolls? A. The Kern Clifton and on the Wallace roll.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kern Clifton roll examined and the names of the applicants found thereon as follows:

Page 125, No. 3117, Abraham Ward, Coowessacoowee district.

Page 125, No. 3124, Artus Ward, Coowessacoowee district.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 152, No. 3122, Abraham Ward, Coowessacoowee district.

Q. Where were you born? A. On Bates' Prairie.
Q. In the Cherokee Nation? A. Yes sir.
Q. Were you a slave? A. Yes sir.
Q. To whom did you belong? A. Jim and Eliza Ward.
Q. Were they Cherokee citizens? A. Yes sir.
Q. Were you taken out of the Cherokee Nation during the war? A. No, sir.
Q. After I was liberated I went into the Government service.
Q. Where did you go? A. In '63 I went into the Union Army.
Q. What regiment? A. Blount's Division.
Q. Where did you enlist? A. I didn't enlist, I was working for the officers, body servant.
Q. Where did you go? A. Went to Camp Hill, Arkansas, worked as the officers and after that I drove a Government team.
Q. When did you return to the Cherokee Nation? A. In the spring of '66.
Q. Have you lived here continuously ever since? A. Yes sir.
Q. Are you married? A. Yes sir but my wife is dead.
Q. Who was the mother of Artest? A. Caroline.
Q. Was she a slave? A. Yes sir.
Q. To whom did she belong? A. The Adams.
Q. Is her name on the 1880 roll? A. No sir.
Q. Did her name Caroline Adams before you married her? A. Yes sir.
Q. When did you marry her? A. In '66.
Q. Where? A. In Kansas.
Q. How you got on with her? A. Yes sir, I came on down and then went to the fall and brought her.
Q. How much of a family did you have then? A. None, all of my children were born here.

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Q Did you live with Caroline until her death? A Yes sir.
Q Who were your owners? A Jim and Louise Ward.
Q And they were Cherokee citizens were they? A Yes sir.
By Mr. Mellette:
Q Have you a place on the Public Domain of the Cherokee Nation?
A Yes sir.
Q How long have you owned it? A Since 65.
By Mr. V. V. Hastings: The above question as to owning a place is objected to by the representatives for the Cherokee Nation because it does not tend to prove the issue.
By Mr. Mellette:
Q You have never lived out of the Cherokee Nation since your return in '66? A No sir.
By Mr. Hastings:
Q Your father was Peter Ward? A Yes sir.
Q Are you his son? A Yes sir.
Q Are you his oldest son? A Yes sir.
Q You went to Mound City Kansas didn't you? A Yes sir after I quit driving Government teams.
Q That is in Linn County? A Yes sir.
Q Do you know Ousky Brown? A Yes sir.
Q Did you see him in Kansas? A Yes sir.
Q What year did you see him there? A I think it was in '67.
Q You knew Joe Ward? A Yes sir we was raised together.
Q He was your young master? A Yes sir.
Q You saw him in Kansas too didn't you? A Yes sir in '65 when I was driving a Government team he come to our house.
Q Was that after or before he was allowed? A Some year that the way closed, I saw him in Mound City and he went up to my father's house.
I was living with my father.
Q You were not married then? A No sir, married sometime after.
Q What year did you marry? A In the Fall of '68, after he was up there.
Q How old is your oldest child? A He is 22 I think it is according to my judgment.
Q What time in the year was that oldest child born? A In September.
Q Was he 30 last September or this coming September? A This coming September.
Q That is your best judgment? A Yes sir.
Q Did you come back with your father, Peter Ward? A Yes sir that was first time I come.
Q Didn't you testify before that you come back with your father?
A No sir, I went to Fort Gibson the first time and the next time I come down with him.
Q How long after that did you come down again with your father?
A The same year, I come to Fort Gibson in the Spring and come back to Kansas and back here again in the Fall, with my father.
Q You had married then? A Yes sir.
Q You come down the last time in November? A Yes sir.
Q Who came with you that time? A My father or mother.
Q Were they on horse back? A Yes sir.
Q How long did you stay here then? A Staid a considerable time.
Test his rolls there.
Q What? A Peter Ward and Mr. Ward.
Q Will you leave the stand now? A Yes sir.
Q See that stand now? A Yes sir.
Q See that stand now? A Yes sir.
Q See that stand now? A Yes sir.

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Q What direction from the mouth of Snow Creek? A Northeast.
 Q How far from the Kansas line? A About 3 miles south.
 Q Who was living there in that country then when you went through from Fort Gibson to Kansas? A Sam Webber, George Meigs, Peter Meigs, old man Sam Webber.
 Q Had they houses there then? A Yes sir.
 Q Had they made a crop of corn that year? A Not much, there was a drought there, that was when I went up the first time.
 Q What time was it when you went up? A In August.
 Q Did Sam and his daddy have a crop of corn in? A Not much, sort of a patch.
 Q That was in '67? A No sir.
 Q Your young master Joe Ward testified that he saw you there in '67?
 A I was traveling up there through that country and saw him the year of the war closing, because he went to my house with me.
 Q Did you ever see Will and John Ward or any of your young masters since the war? A Yes sir.
 Q Where? A On Big Creek.
 Q When? A I had been there about two years.
 Q Did you locate right on the place where you now live? A Yes sir.
 Q And have lived there ever since? A Yes sir.
 Q Is your father living? A Yes sir.
 Q He lived there with you? A Yes sir.
 Q What chores was he living along there? A Albert Morris.
 Q Was he living there when you come? A No sir.
 Q How far was Jim Martin living from there when you come there?
 A No sir, he was not living there, and the Delawares were not living there either then.
 Q You anticipated that question didn't you? A I know they was not living there then.
 Q What made you answer that question before I had asked it? A I heard some of the people saying that they was up there then and I am telling you right. I thought it was coming and I was going to tell you about it.
 Q Where did you get anything to eat that fall? Get it from these Webbers and Sanders? A We brought some along with us.
 Q Do you know Jess Brown and Fessenden? A Yes sir.
 Q They were up in Kansas looking after some pension matters weren't they? A I don't know.
 Q Was Sam Webber living in a house up there? A Yes sir.
 Q Who did you stay all night with up there? A With Peter Meigs.
 Q That was in August? A Yes sir.
 Q 1867? A Yes sir, latter part of August.
 Q His old Peter Meigs have in a crop there then? A Yes sir a little one.
 Q By the commission:
 Q Why is your name not on the 1860 roll? A I don't know, the census takers didn't come there.
 Q Did you ever expect to have your name enrolled? A No sir, the reason I didn't was because several had went down there and tried it and come back and said that it was not necessary to go down there as the war was enrolling us people.

L. E. BARNES, called and sworn as a witness before Com'r T. H. ...
 ...
 ...

Q What is your postoffice address? A Claremore.
 Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A I got acquainted with him in the fall of '88.
 Q Do you know if he was a slave? A No sir I dont.
 Q Where did you see him in the fall of '88? A At Fort Gibson.
 Q Have you known him ever since that time? A I saw him after I moved up here to Coaweescooos.
 Q How did you happen to see him in Fort Gibson in '88? A He come to Amanda and Rutha Adairs and was going to take them away and I asked him what he was going to do with them, and he said he was going to take them to his people.
 Q You had never seen him before that? A No sir, he was a stranger to me then.

By W. W. Hastings:
 Q He was a stranger to you in '88? A Yes sir.
 Q You had never seen him before that? A No sir.
 Q You didn't witness for him before the Kern Clifton Court did you?
 A No sir.
 Q Do you know how long he staid in Fort Gibson that time? A No sir I dont.
 Q What time did you see him there? A In the fall.
 Q What time in the fall? A First part of September or the last part of August, somewhere along there.
 By the Commission:
 Q How did you know it was in '88? A Because I was living right there and notices all the girls that come in there.
 Q You was a young man then? A Yes sir.
 Q You was a government officer also wasn't you? A Yes sir.

SAM WEBBER, called and sworn as a witness by Com'r Needles, testified as follows:

Q What is your name? A Sam Webber.
 Q How old are you? A 58.
 Q What is your postoffice address? A Nowata.
 Q Are you a recognized Cherokee Freedman? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A Got acquainted with him in Kansas during the war? A Yes sir, time of the war.
 Q Do you know when he returned to the Cherokee Nation? A In the fall of '88 was when I first remember seeing him in the Nation.
 Q Where did you see him? A At Fort Gibson.
 Q He came up there to live? A Yes sir.
 Q Did he have his family there with him? A Yes sir he had his family with him.
 Q Did you know if he was a slave in the Cherokee Nation before the war? A Only what he told me.
 Q Have you known him ever since? A Yes sir.
 Q Has he lived in the Cherokee Nation continuously ever since?
 A Yes sir.

By W. W. Hastings:
 Q He settled there right in the fall of '88? A Yes sir, most was falling.
 Q How long before had you and your family been there? A Not long, I moved down there a short time before that.
 Q How long before that? A I cant say well, not a special month. A. Most have been a month, I dont remember exactly.

down there 33 years ago, in '33? A Yes sir a'll those I am acquainted with that come.

Q How far did this man live from you then? A 4 miles.

Q He has lived there ever since? A Yes sir.

Q You know he was living there in '57? A Yes sir.

Q You know he was living there in '60? A Yes sir.

Q You are willing to swear that he has continued to live there continuously ever since '66? A Yes sir.

Q Did you know his father? A Yes sir.

Q What is his name? A Peter Ward.

Q He come with his father did he? A Yes sir they come together.

Q And settled in the same neighborhood? A Yes sir.

Q What place in Kansas did you come from? A Linn County, same place they come from.

Q Mound City? A Yes sir.

Q Did you know them there? A Yes sir.

Q Did you go back up there directly after you come down here and settled? A No sir.

Q Did you go back there in '67 or '8? A No sir.

Q Was this man married when he come down there? A Yes sir.

Q Was his wife with him? A Yes sir.

Q How many children did he have then? A I can't tell you how many he had, but he must have had as many as two or three. I can't tell.

Q Did he have any? A If he did, I don't know it.

Q You know he was married though? A Yes sir.

Q Did he live with his father when they first come there? A They both camped there close together.

Q Did they make separate homes? A Yes sir.

Q Had you made a crop there when he came? A No sir.

Q None of you had crops in then did you? A No sir, couldn't, hadn't been there long enough.

Q About how far did they locate from the Kansas line? A I don't hardly know.

APPLICANT recalled and examined by W. W. Hastings:

Q You saw Will and John Ward directly after Will got into trouble did you? A Yes sir I saw Will, he come to my house.

Q You had a talk with him? A Yes sir.

Q You told him where you had been? A No sir, not exactly as to where I had been.

Q Talked about old slavery times? A Yes sir.

Q Told him when you had come back? A No sir that question was not asked.

Continuation of the above deposition reported by E. C. Jones.

Chas. von Waide, being sworn, deposes that he is a member of the Commission to the Five Civilized Tribes and that he has read all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Signed, Chas. von Waide.
Subscribed and sworn to before me this 10th day of June, 1901, at Nowata, I.T.

Signed, T. J. Hoffman,
Commissioner.

(Continued from testimony taken by Stenographer Chas. von Waide, June 6, 1901.)

DEPOSED UNDER, being duly sworn and examined to the best of his knowledge.

Q What is your name? A George Meigs.

Q What is your age? A I don't know exactly, about sixty some odd.

Q What is your postoffice? A Wimer.

Q Are you a recognized Cherokee Freedman? A Yes sir.

Q Your name on the 1880 roll? A No, sir.

Q You made application to be enrolled? A Done been enrolled, all excepting two witnesses.

Q Do you know Abram Ward, the applicant here? A Yes, sir.

Q How long have you known him? A Ever since he moved on Big Creek.

Q Do you know whether he was a slave before the war? A Yes, sir, he was a slave.

Q Who did he belong to? A Belonged to a man they called George Ward.

Q Do you know whether he went out of the Cherokee Nation during the war or not? A Yes, sir.

Q Where did he go? A Went up to Fort Scott.

Q Did you see him? A No, sir, I just met him up there.

Q Do you know when Abram Ward, the applicant, returned to the Cherokee Nation? A Why I don't know exactly.

Q When was the first time you saw him after the war? A Why it was in the fall of '66.

Q Where did you see him then? A On Big Creek.

Q Was he living there? A Well, he has been there ever since.

Q Was he living there then? A When I saw him, why he just came.

Q Did he have a family with him when he came? A Yes, sir.

Q How many children did he have? A Well, I can't hardly tell you.

Q Have his wife? A Yes, sir.

Q Was he camping there, or had he built a house? A Well, he came in and camped, and built a house.

Q Have you known him since that time? A Yes, sir.

Q Has he always lived in the Cherokee Nation since '66, to your knowledge? A Yes, sir.

Q You were taken out during the war, were you? A Yes, sir.

Q Did you return with Abram Ward? A I returned just a little before he did.

Q You saw him here in '66 in the fall? A Yes, sir.

Q Mr. Hastings: How long had you been back then you saw him?

A I don't know exactly.

Q A year or two? A I hadn't been back a year, no, sir.

Q Well, had you put in a crop that year you came back? A No, sir, I hadn't then.

Q Did you have any corn in when he came? A No, sir.

Q Any potatoes in? A I had a patch started to plant out.

Q But you had no corn on it? A No, sir.

Q You didn't plant any that year? A No didn't plant any till it got time to plant it.

Q But had you planted any when this man came down here? A No, sir.

Q George, you don't know anything about cotton, you? A No, sir, I don't.

Q You don't know the year from another? A No, sir, I don't know, of course I am not got no education.

Q Where did you live before the war? A Well, we lived in the Cherokee Nation before the war.

Q What place in the Cherokee Nation? A Well, as near as I can tell you to tell you the truth, I lived east of a little town they call Dutchman on a big hill, west of it.

Q Who did you belong to? A Belonged to a man they called George Ward.

Daniels and Lila Daniels.

Q How far was that from Beattie's Prairie? A It wasn't a great ways, I don't know.

Q What direction was Beattie's Prairie from where you lived? A To my judgment, it must have been kinder north, nearabout north.

Q You were up there before the war, were you, Beattie's Prairie?

A No, sir, I don't know that I have ever been to the place.

Q When did you first see Abe? A The first time I saw Abe to recollect him was at Fort Scott.

Q During the war? A Yes, sir.

Q Then you never saw him before the war? A No, sir.

Q You don't know of your own personal knowledge who he belonged to?

A Of course I don't, but I know what he says, who he belonged to.

Q You were a while ago he belonged to George Ward. A That is what I told you his owner was.

Q You don't know that? A No, sir.

Q You are the son of Peter Meigs? A Yes, sir.

Q Peter Meigs went down before the court to have himself and family enrolled? A Yes, sir.

Q Did you go along with him? A No, sir.

Q He is dead? A Yes, sir.

Q He didn't get enrolled? A No, sir.

Q He has been refused by the Cherokee Nation? A Yes, sir.

Q You know this man, the applicant, has been refused all the time?

A Yes, sir.

Q To the best of your judgment, how many children did he have when you first saw him there, after the war? A I can't hardly tell you; I know all his children; he had one to my judgment.

Q But you don't know how many more? A No, sir.

Q What was this child's name? A Named Lon.

Q He stayed right near you? A Yes, sir.

Q He came down with his father, didn't he, Peter Ward? A Yes, sir.

Q They all came down together and stayed up there? A Yes, sir.

Q I want to know if you are positive about the year that they came in? A Yes, sir.

Q They have lived there continuously over since that year they came? A Yes, sir, ever since.

Q They never went back to Kansas and left up there? A I believe the old man went back once or twice for grub.

Q Not up there to live? A No, they never went up there to live.

Q Are you willing to swear positively about the year they came?

A Yes, sir.

Q That was in 1866, was it? A Yes, sir, '66 we came.

Q Was it 1866? A I can't say whether it was eight, a hundred or not.

Q You are not positive about that? A I can't tell you anything about the dates, and I didn't suppose I would have to know anything about '66 like I do, but my daddy was wishing to get down there to get a place for his children.

Commissioner: Your daddy knew he had to be there in '66 did he?

A Yes, sir.

Commissioner: Abram Ward applies for the enrollment of himself and his son Artes. He is not identified upon the authenticated roll of 1880 or the census roll of 1880 from an examination of the same, but he is identified upon the Kern-Clifton and the Vallance rolls. His child Artes is also identified upon the Kern-Clifton roll. He avows that he was married to one Caroline Adair, who is now deceased, and makes satisfactory proof as to said marriage. For these reasons and his child Artes will be listed for enrollment as Cherokee.

Mr. Freedman on a doubtful case, awaiting further consideration by the Commission. He will be duly notified by mail at his post office address of the decision of the Commission, when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 18th of June, 1901.

Signed, Bruce C. Jones,
Signed, T. B. Needles,
Commissioner.

~~Subscribed~~

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of August, 1901.

T. B. Needles

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Sadie Ward for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for the applicant;
Mr. W.W. Hastings, for the Cherokee Nation.

- Q What is your name? A Sadie Ward.
Q Is that your name now? A Yes sir.
Q What is your age? A 22.
Q What is your post-office? A Centralia, Indian Territory.
Q What district do you live in? A Big Creek, Cooweescoowee District.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Your name on the roll of 1890? A No sir, Wallace and Clifton roll.
Q Who do you want to enroll besides yourself? A No one.
Q Are you married? A No sir.
Q What is your father's name? A Squire Ward.
Q What is your mother's name? A Mary Ward.
Q Your father living? A Yes sir.
Q Your mother living? A No sir.
Q Where were you born? A Big Creek, Cooweescoowee District.
Q Have you lived there all of your life? A Yes sir.
Q Living there now? A Yes sir.
Q Were you ever married? A No sir.
Q Got no children? A No sir.
Q You know Abraham Ward? A Yes sir.
Q What relation is he to you? A My uncle.
Q Squire Ward your father? A Yes sir.
Q He and Abraham Ward are brothers are they? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on
page 126 #3138 Sadie Ward, Cooweescoowee District.
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 151 #3150 Sadie Ward, Coowee scoowee District.

Com'r Needles: Sadie Ward applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1890 or the census roll of 1896; she is only identified upon the Kern-Clifton and the Wallace roll, according to page and number of the roll as indicated in the testimony; she avers that she was born in the Cherokee Nation; lived there all her life, and she is the daughter of Squire Ward, and claims citizenship through him, who was listed for enrollment on D card 615; the testimony taken in the application of Squire Ward will be made a part of the testimony in the case at bar, and a copy thereof filed herewith, and said Sadie Ward will now be listed for enrollment as a Cherokee freedman on a doubtful card; she will be notified by the Commission of their decision in the premises, by mail.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this July 10, 1901.

10

COMMISSION TO THE LIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

JUL 10 1901

RECEIVED

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TO THE COMMISSION TO THE LIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.

Very respectfully,
[Signature]

Enclosed for the Commission are two copies of a report of the
Commissioner of the Bureau of Indian Affairs, dated July 10, 1901,
relating to the proposed sale of the lands of the
[tribe name] in the State of [state name].

The report contains a description of the lands, and a statement
of the reasons for their sale. It also contains a statement of the
Commissioner's recommendation that the lands be sold to the
[tribe name] for the purpose of [purpose].

The Commission is requested to consider the report and to
make such recommendations as it may deem proper.

Very respectfully,
[Signature]

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make such recommendations as it may deem proper.

Very respectfully,
[Signature]

File with Cherokee Freedmen, 585, Sadie Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mallette & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

C. W. KINGSBURY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A C. W. Kingsbury.

Q What is your age, Mr. Kingsbury? A I am 47 years this fall.

Q What is your postoffice address? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City? A Ever since the 12th day of August, 1881.

Q Were you living there in 1865; you have lived there ever since, you say? A Yes, sir, lived there continuously ever since, made that my home.

Q What was your father's name? A My grandfather's name was Durbin.

Q Did you know a colored man in Mound City, Kansas, by the name of Peter Ward? A There was one lived there, yes, sir, by that name.

Q Did you know any of his children? A Yes, sir.

Q Name some of them? A There was Abraham, Berry, Mark, Miner, Squire, Eliza, Ben, Dave, Clint, George; that is all I can remember of them.

Q When did you first become acquainted with this family of Wards?

A In the fall of '65.

Q Where were they then? A They lived on a place west of ours.

Q How far was that from Mound City, Kansas? A That was three miles; it is three miles to my place and their place joined right west of ours.

Q Joined your place on the west? A Yes, sir, their place cornered with ours on the northwest.

Q How long did they continue to live from '65 in that immediate vicinity about Mound City? A From '65, in the fall of '65 I think, and then in the next spring they moved, taken a lease on the old gentleman's place, my grandfather's.

Q What was his name? A Amos Durbin.

Q That was in the spring of '66? In the spring of '66 they moved onto our place.

Q When you say our place you mean your grandfather's? A Yes, sir, I mean the Durbin farm now, it is where I live now.

Q Now how long did they continue to live on that farm? A They took a lease on our place for four years, to clear up some timber lands, and they lived there three years and in the fall of '69 the old gentleman left, that is, he said he was going down to this country, that was in the fall of '69, and the remaining year of the lease, he wanted the old gentleman, that is Mr. Durbin, to let one of his boys live there the year of the lease out, and Mr. Durbin told him that he was welcome to stay on the place till his time was out, but he didn't want him to sub-rent to anybody, and Peter Ward said all right.

Q They gave up the last year? A Yes, sir, they gave up the last year.

Q And they lived there for three years from '66, as I understand it? A From '66 to the fall of '69.

Q Was there a barn built on the Durbin farm in the meantime? A There was a stone barn built there in '66.

Q For do you know it was built there in '68? Have you anything else besides your own memory? A Yes, sir, the bow machanic, A. J. Renney, on finishing the work he placed a rock up over the door with his initials and the year it was erected in.

Q Do you know whether these people were there after the building of this year or not, living there? A Yes, sir.

Mr. Mallette: I think that is a very leading remark.

Q Well now how do you know it? A Mr. Ward was farming our place besides this land, he stored some wheat on our place and he stored some wheat and in the fall of '69 he left some wheat in our barn and the next spring he came and got it.

Q You know where he was the next spring, where he was living? A He said he had moved down to this country, that is what he said and we supposed he had.

Q Have you seen him since? A I have not; one of his boys was back there since, Abe, but what year I don't remember.

Q What is your occupation? A I am farming and stock raising.

Q You have mentioned a number of Peter Ward's family: did they all leave when Ward left, or about that time? A About that time; I can't say for sure whether the older boys left a short time before or a short time after, but I remember Uncle Peter going away at this time that I spoke of.

Q You remember Abraham Ward living there? A Yes, sir, he lived there every time when he was there, the boys were all at home on the place there.

Q Is your grandfather, Durbin I believe, is he alive? A Yes, sir, he is living, he is quite an old man, he is 88 years old.

Mr. Mallette: I didn't get your name? A G. W. Kingsbury.

Q What is your postoffice? A Mound City, Kansas.

Q How old are you? A I am 47 this fall.

Q How old were you in '66? A In '66 I was 12 years old, I was born in '54.

Q Did you, as a 12 year old boy, pay much attention to dates?

A What do you mean, in what way do you mean?

Q Well I mean exactly what I said? A Well this time that I spoke of, of knowing when Uncle Peter took this lease on our place; this place that he moved onto our place from belonged, when he took the lease on that, to a man named Corbin, and he built a house.

Q Now are you going to answer my question? A Yes, sir, what is it?

Mr. Hastings: If you want to tell him how you get at this date, go on and tell him.

Mr. Mallette: I asked you if, as a 12 year old boy, you paid very much attention to dates? A I remember that distinctly.

Q When were you first asked to appear as a witness in this case?

A I think there was a gentleman at my house twice, the last time I don't remember when, but I think it was along the last days of last month.

Q How long was it after Peter Ward and his family left Kansas, that that man came to you and asked you about these facts? A It was from '66 until 1901.

Q How long is that? A From '66 would be 35 years, if I am not mistaken.

Q Do you remember back then 35 years to the time when you were a 12 year old boy and remember the years that these colored people leased the land? A I do.

Q And when they moved off? A Yes, sir.

Q Where were you living at that time? A I must have lived on the place, I was living the same place I live now, three miles west of Mound City, in John County, Kansas.

Q Is that the only date you can remember about things that took place in those days? A No, sir.

Q You have lived in one spot all the time? A I have lived continuously, that has been my home on that farm since '61.

Q That impresses the fact on your mind as to when these people lived on that land? A As I said, Mr. Ward was living on a farm that

belonged to Corbin and he had put up a house there, a log house, he wanted to move that house over onto the old gentleman, my grandfather, and my grandfather objected and told him he had better go down in our timber and cut logs and build a house.

Q You know of that? A Yes, sir.

Q You remember that conversation 32 years ago? A Yes, sir.

Q You are giving the exact conversation that you heard 32 years ago?

A I remember the contract and the conversation.

Q Were you a business man at that time? A Well, I wasn't, I don't suppose, considered so legally.

Q Did you conduct business at the age of 12? A In the way of leasing land I didn't, and Mr. Alexander came out from Indiana in the fall of '65 and bought the land then, this land that this gentleman, Mr. Ward, lived on, and then in '66 P. D. Alexander moved on the farm and lived there until the time of his death.

Q Now is it not a fact that Peter Ward and his family left your grandfather's place in '66 because they understood they could get a home here by coming in 1866, that they departed at that time? A I don't think it is.

Q Well, what do you mean by saying you don't think it is? A Well I mean that he lived three years of this lease out here on the farm, that is, living three years on the farm.

Q Was there any particular reason for your remembering that for 32 years, the time that these people when on your grandfather's farm?

A The thing that calls the memory to the time was the fact that Alexander bought the place.

Q And you remember the year he bought the place? A Yes, sir.

Q Do you remember this by talking to your grandfather or somebody else or have you retained it in your own memory? A I have retained it in my mind, by talking to Alexander during his life time.

QQ You have retained it by talking to Alexander? A Yes, sir.

Q You are testifying by what Alexander told you? A I know he came there in '66.

Q I want to know if you are testifying about these dates by what Alexander told you? A I am not.

Q What made you say you remember it by talking to Alexander in his life time? A I remember him moving there in '66 same as I remember I moved to Kansas in '61.

Q Then if Peter Ward and Abraham Ward and the rest of the Wards swear they left Kansas in '66 they are mistaken, are they? A I don't know what they testified to..

Q Who also lived on your grandfather's place after the wards moved off? A At the time they lived on the place there, at one time, not all the time, there was a man by the name of Anderson Turk.

Q When did he move on the place? A He moved on the place sometime in '65, he had been on the place I think a year.

Q When did he move off? A He moved off the place, let's see, about '75.

Q Well, are you swearing he moved off in '75? A He moved up north and bought a place up north, he lived on the place 2 years and moved there in '65.

Q What year did he move off? A About the year 1875.

Q You swear that, do you? A Yes, sir.

Q Who lived on the place besides that man? A Why George Brown lived there.

Q When did he move on the place? A He didn't rent, he just simply rented a room from Anderson Turk and lived there.

Q When did he rent the room? A Why it was sometime, it was in '67 or '8, I am not sure which.

Q Well, which is it, '67 or '8? Just as much reason for you to remember that as there was about Peter Ward?

Mr. Hastings: Don't argue that question.

Q What year was it that that man lived on the place? A '67 or '8, I am not sure which.

Q Why can't you remember, if you can remember when Peter Ward moved

on the place and when he moved off? A Brown lived there just a short time and by permission of Anderson Turk.

Q When did he live there? A I think one winter.

Q You don't know when he went on and when he went off? A In the fall season he went in and just wintered there one winter.

Q Who lived on this place in 1876? A There was no one in '76, nobody then but our own folks.

Q Who cultivated it? A The old gentleman.

Q Anybody else ever live on that place? A How do you mean, since '66? A Yes, sir, since '66? A Yes, I think Uncle Ben Ward lived on the place.

Q When did Ben Ward live on the place? A He lived on the place I think it was, let's see, about '67.

Q Nor was it about '67, or was it '67? A I am not sure whether it was '67.

Q Why can't you remember when Ben Ward lived on the place? A I am pretty sure it was '67 when he lived on the place.

Q Do you swear positively it was '67 when he lived on the place?

A I am pretty sure of it, I am not positive.

Q Might have been '66? A No, it wasn't '66, because my recollection is that he moved on the place after Uncle Peter did, took another lease.

Q It was '67 then? A Yes, sir.

Q Might have been '68? A Yes, it was either '67 or '68, was either of the two years, it was a year after Uncle Peter moved.

Q You want to be understood as swearing positively that Uncle Peter Ward moved on the place in '66? A Yes, sir, spring of '66.

Q And you were a 12 year old boy at the time? A Yes, sir.

Q Don't you think you have a remarkable memory? A I never considered my memory as anything extra.

Commissioner: Mr. Kingsbury, Mr. Hastings asked you your father's name and you gave your grandfather's name; why did you not give your father's name when he asked you? A My father was in California and my grandfather raised me, I have been living with him ever since I was 7 years old, ever since; my father is dead now.

Mr. Hastings: I had talked to you about your grandfather's place?

A Yes, sir, that is the place that I live on now, and this family lived on is my grandfather's now, he is still living, he is quite an old man.

BYRON OSBORN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Byron Osborn.

Q Mr. Osborn, how old are you? A 49 years old.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City, Kansas? A Well sir, my father settled there in '54, March 20.

Q Have you lived there since that time? A Well, that has been my home, I have been away a year or so at a time, was back in Illinois a couple of years and I was out in Colorado about the mountains about 12 or 14 months.

Q Well, where were you the three or four years after the war? A I was on our place, home.

Q How far was your place from Mound City, Kansas? A Three miles.

Q What direction? A Southwest.

Q How far was that from the Durbin farm? A Well, it is about two miles and a half I should judge.

Q Do you know Mr. Kingsbury, who has just left the stand?

A Yes, sir.

Q He is grandson of Durbin? A Yes, sir.

Q Did you know a colored man by the name of Peter Ward? A Yes, sir, I used to know Mr. Ward.

Q Did you know any of the members of his family? A Yes, sir.

Q Give me the names of some of them? A I know of one and I know Berry and I know Squire Ward, that is about all that I know, he had

other children but I wasn't acquainted with them, I think he had some girls I wasn't acquainted with.

Q When did you know them? A Well, sir, it was a long I think the latter part of summer, they lived in there.

Q About how long did you continue to know them? A Well, the best of my recollection is that I knew them I think probably eight or nine or ten years.

Q I mean did you know them after the war? A Yes, sir.

Q How long after the war did you know them? A Well, I should judge it was, to the best of my recollection, I think it was probably five or six years after the war, four or five maybe, sometime after the war, but I can't state how long.

Q Do you know where they were living? A Yes, sir.

Q What place? A They were living on Mr. Durbin's farm.

Q Do you remember where they went when they left there? A Well I don't know positive, only I have understood they came to the Indian Territory.

Mr. Mellette: How old are you? A 49 years old.

Q How old were you when the war closed? A Well I guess I was about 12 or 14 years old.

Q Now who did you first talk to about knowing anything about these people? A Mr. Keys.

Q Mr. Keys came up into Kansas, didn't he? A Yes, sir.

Q Found you? A Yes, sir, he asked me did I know the Wards and I told him I did.

Q Well was that the first time that anybody had ever talked to you about when the Wards left that country? A Yes, sir.

Q That has been about 32 years ago, hasn't it? A Well it has been a long while, I don't know just how long.

Q You were a boy about fourteen years old? A Yes.

Q Do you think you can remember back to your boyhood days and swear positively when Peter Ward left that country? A I don't swear positively.

Q How far do you swear positively? A Well I know that he was there sometime after the war.

Q You know he was there sometime after the war? A Yes.

Q Can you remember the events and the succession of facts as they happened thirty years ago when you were a boy? A Well some things I can.

Q Well, do you think this is one of the things? A Well I remember that Mr. Ward lived there, he had a boy by the name of Abe who used to work for my father sometime after the war, he worked on our place, but I can't say positively what year it was.

Q You don't know when he worked on your father's place? A I don't know what year it was, it was sometime after the war, quite a while.

Q And you don't know when he moved to Mr. Durbin's place? A No, sir.

Q Can't you remember the year he worked on your father's place?

A No, sir, not positive.

Q When did they stop fighting up there in Kansas? A Along about, I think the last fight they had was when Price went through, I think the latter part of '66 or '65, along there.

Q '66, was it? A Or '65.

Q You say they had a fight up there the latter part of '65, that Price went through there? A No, I didn't say '65.

Q The latter part of '66 or '65? A The latter part of '66 or '65.

Q The latter part of '66 or '65, you say that? A I saw either the latter part of '65 or '66, sometime along in there that Price went through there.

Q Don't you know that Price made his raid through there in '63?

A No, I don't hardly believe he did.

Q And don't you know that General Lee surrendered to General Grant in April, 1865, and that there wasn't any fighting any place after April, '65? A Well it might be, but the war wasn't closed entirely

till about '65.

Q Yes but you say Price made his raid through there in '65 or '66?

A I meant '64 or '65.

Q What made you change? A Well, I just made a mistake.

Q Who talked to you after you came? A Nobody.

Q Well Mr. Hastings here consulted you, didn't he? A He asked me some questions.

Q Was Mr. Kingsbury present? A Yes, sir.

Q Who else was present? A There was lots of gentlemen there.

Q All you witnesses who came down in that case were present and talked to together? A Well they asked me some questions.

Q Now when you were being consulted you and Mr. Kingsbury and the other witnesses in this case were all sitting in the room and heard what went on here? A I think maybe I did hear a part of Mr. Kingsbury's testimony, I wasn't in there all the time, I don't know anything about when Mr. Ward left that country, I can't swear positive, but I am satisfied that he was there several years after the war closed.

Q But then if you think that Price made his raid through there in '65 or '66 you may be mistaken when the war closed? A I meant '64 or '65.

Q Do you say that Price did make his raid through there in '64 or '65? A I wouldn't say positive.

Q You wouldn't say positively about that? A No, it seems to me it was in that time.

Q You were a boy? A Yes, I was a boy.

Mr. Hastings: You were summoned here as a witnesses on the part of the Cherokee Nation, weren't you? A Yes, sir.

Q I consulted you with a number of other witnesses down there?

A Yes, sir.

Mr. Melletta: How were you summoned here on the part of the Cherokee Nation? A By subpoena.

Q Who served the subpoena on you? A Mr. Campbell left it at my farm.

Q Who is Mr. Campbell? A His name is Neve Campbell.

Q Where does he live? A He lives in Mound City, Kansas.

JOSEPH L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Joseph L. Ward.

Q What is your age, Mr. Ward? A 58.

Q What is your postoffice? A Maysville, Arkansas.

Q You live in the Cherokee Nation side there? A Yes, sir.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q Mr. Ward, what was your father's name? A James Ward.

Q Did your father ever own a colored man by the name of Peter Ward?

A No, sir, my grandfather owned him.

Q You know Peter Ward then? A Yes, sir.

Q Before the war? A Yes, sir, he married a negro woman my mother owned.

Q He had some children? A Yes, sir.

Q You remember any of their names? A Yes, sir.

Q Well, give us some of them? A Abraham was the oldest, Berry, Margaret, Miner, Squire, Eliza, Dave, and Clint, is all they had when they left there that I know of, that I remember.

Q Did they live there when the war came up? A Yes, sir, in '63 as well as I can remember.

Q Did you ever afterwards see them? A Yes, sir.

Q Where did you next see them? A In Mound City, Kansas.

Q When was that? A In the fall of '68, October.

Q Now when did you next see anyone of this family? A The next time one of them was here in Mound City just after that payment, the first payment of the Cherokee. I don't remember the exact date.

Q You don't remember the exact date? A No, sir.
 Q It wasn't this last colored payment? A No, it was the first payment that was had after the war.
 Q You don't remember the date of that payment? A No, I don't remember the date.
 Q Was this railroad through here at that time? A I think so.
 Q Well, which one of them did you see at that time? A Abraham.
 Q Did you have any conversation with him? A Why yes, he told me that he didn't get any money, that he came too late.
 Q He say where he was living at that time? A Living out here on Big Creek, up here in Cooperscooves.
 Q You remember when he said he came? A No, I don't, positive, it seems to me he told me he came here in '69, that is my best recollection.
 Q Did you see any other members of the family at the time? A No, sir, not that I remember.
 Q Have you talked with any of them since that about it? A No, sir.
 Q You live quite a distance from them? A Yes, sir, I live about fifty miles southeast of here, and they live northwest.
 Q You don't remember the date of that payment? A No, I don't remember the date of it, somewhere in '70 but I don't know exactly what date it was.
 Mr. Mellette: Well, did any of the colored people get the payment at that time? A I don't know, I don't think they did.
 Q Don't think any of them got it? A I don't know, I don't remember, of course I can't state.
 Q You wouldn't swear that he told you he came here in '69, positively? A Not positively, but that is my best recollection.
 Q Well, that has been a long time ago, hasn't it? A Yes, sir.
 Q You ever been arrested? A I don't know that that cuts any figure in the case.
 Commissioner: Please answer the question.
 A Why yes.
 Mr. Mellette: What were you charged with? A I was charged with charging an unlawful fee in a pension case.
 Q That all? A And detaining pension money.
 Mr. Hastings: What was done with the case, Mr. Ward? A Dismissed.

JOHN L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John L. Ward.
 Q What is your age, Mr. Ward? A Age is 50.
 Q What is your postoffice? A Maysville, Arkansas.
 Q You are a Cherokee citizen by blood? A Yes, sir.
 Q You live on the Cherokee side of the line? A Yes, sir.
 Q What was your father's name? A His name was James Ward.
 Q Did you know a colored man by the name of Peter Ward? A I did when I was a boy, I haven't seen him since.
 Q Did he have some children? A Yes, sir.
 Q You remember any of their names? A Yes, I recollect most of their names, there was Margaret and Abraham, Louise was the old lady's name.
 Q We want to identify the family, name some of them? A Margaret and Abraham and Berry and Miner and Ben I think and Dave and Elize and Clint.
 Q Did you ever see any of them after the war? A I never saw but one of them; yes I have seen them too, I seen Squire here the last Court, one they call Dick or Squire.
 Q Well which one did you see first after the war? A That was Miner.
 Q What was her name then? A Rose I think she called her name.
 Q Where did you see her? A Up here between here and Chatoga, Big Creek I think it was.

- Q Between here and Oshetopa? A Yes, sir.
- Q In what district? A In Cooweescoowsee I guess.
- Q Did you have any talk with her? A Yes, sir.
- Q About when was that talk? A Sometime in the sixties, '65 or '6 or '7, somewhere along there, I don't recollect just the year.
- Q Now think over the date, do you mean '60? A '70 I mean '70, something in '70, I have got it wrong, '60 I said, it was sometime in '70.
- Q You say it was sometime in '70? A Yes, sir.
- Q You know whether it was before or after this railroad ran through here? A Yes, sir, it was after this railroad ran through here.
- Q This M.K. & T.? A Yes, sir.
- Q Well, what conversation did you have with her? A We stopped there where she lived and she called up a couple of boys that she had and she told me their names, she called one of them Grant and the other one Sherman, and ~~and then~~ then she sent a crazy negro down in the field for her husband, and she said she wanted to know what they were going to do about them, she said they got back too late; I said I didn't know what they were going to do, and that is about all the conversation I had; I asked them about the family, where they lived; they were all around there except one of them, there was one had never come back, that is my recollection, I don't know which one now.
- Q Who was with you at the time? A Well, my brother, we had been up to Coffeyville with some apples and came back by there and stopped.
- Mr. Mellette: You say you asked them about the family? A Yes, sir.
- Q Talked a good while with them I suppose? A We stopped there about half an hour or an hour.
- Q Where did she say her father was? A He lived there somewhere.
- Q Where? A Up here about Big Creek.
- Q Where did she say Abraham was? A He was there.
- Q Where? A Up in there, right close there, I was asking how they all were getting along.
- Q How many years ago has that been? A Along in '70 sometime.
- Q '70 when? A Between '75 and '77.
- Q What made you say it was in '60 first? A I just miscalculated it.
- Q Wasn't it in the sixties? A No, sir.
- Q Don't you know it was in '68? A No, sir.
- Q Between '66 and '7 and '8? A It wasn't in '66.
- Q Why wasn't it? A Because this railroad was built through here.
- Q When were you first called upon to remember this? A Well, it was down here in this rock house down here.
- Q How long ago? A I don't remember.
- Q When Mr. Wallace made this roll? A No, sir.
- Q When Mr. Kern and Clifton made the roll? A It was when this negro attorney was down there, I don't know his name.
- Q How long ago? A I don't remember just now.
- Q About how long ago did you first remember that she said she was too late? A It was when we were up there, is all I know about it.
- Q About how long ago, I want to find out when it was? A The reason I think it was about seventy, because I was married in '78 and it was before I was married.
- Q How many years before you were married? A Two or three.
- Q Two or three? A I don't remember just exactly, it was so long ago you can't recollect, I can't recollect the exact dates.
- Q That is what I am thinking about, unless I have something to impress it on my mind; nobody called on you to remember what they said for twenty or thirty years afterwards? A No, I wasn't called on until I was summoned here before this Court.
- Q This time? A No, that other time.
- Q What time was that? A I don't remember; you may recollect the date Mr. Hastings.
- Q Who were making the roll at that time? A Hastings and Thompson and there was a negro there, an attorney, I forget his name.
- Q You can't give any idea when that date was can you; why can't you remember the date you were first called on to testify to this fact

as well as you can remember when she told you she came here too late?

A I never paid much attention to it.

Q Did you pay much attention to when she said she came here too late? A Yes, I recollect by the trip we made and I got to counting it up.

Q After thirty years you got to counting it up, did you? A It wasn't thirty years.

Q Well, twenty? A Let's see, it was over thirty years I guess.

Q It was over? A It was in seventy something.

Q Well how many years has that been? A Well I can count, this is 1901, you can count yourself.

Q Why I am not going to do it, I asked you how many years it was?

A Thirty years from seventy, and then it was along in '70, well I don't recollect just exactly the year though, it was before '77, sometime between '70 and '77, I don't remember just exactly the year, I don't propose to swear something I don't know.

Q Well you give it up then, you can't tell how many years it has been? A I don't recollect the exact year.

Q And you can't tell the year you were down here in the rock building and when Mr. Hastings and Mr. Thompson were making the roll? A No, I don't recollect the exact year.

Q Was it 1895? A I don't remember.

Q 1890? A (No response.)

Q Was it 1890? A No, sir, it wasn't then.

Q When was it? A I don't know just when, I don't recollect the year.

Mr. Hastings: That was the first time you had seen these old slaves since the war, when you had this conversation? A Yes, sir, and then during this Court I was sworn when I was up here last Court.

Q Are you summoned here as a witness this time? A Yes, sir.

Q Were you summoned when you testified before when I represented the Nation in part? A Yes, sir.

Q You remember Mr. Thompson was a member of the Court at that time? A Yes, sir.

Q You remember the other two members of that Court? A I don't recollect them.

Taking of testimony continued by stenographer J. O. Rosson.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 16th of October, 1901.



Commissioner.

Continuation of taking of testimony in case of ABRAHAM
WARD, C.F.-D.#607.

Former portion taken by Stenographer
Bruce C. Jones.

APPEARANCES:

Mr. Mellette, of Counsel for applicant;
Mr./W. W. Hastings, of Counsel for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles,
testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A L. B. Bell.

Q Age? A 62; Vinita.

Q Mr. Bell, when was this ~~xxx~~ railroad, M. K. & T. railroad, built
through this country? A '71.

Q When was that first Cherokee payment made after the war? A '75.

Q Do you know whether colored people and all participated in that
payment or not? A Yes, every Cherokee citizen and whole lot
that wasn't.

Q That was a general payment?- A Yes, that was general payment
intended for relief fund for all people living in the Cherokee Nation

MR. MELLETTE: Did any colored people get pay at that time?

A Yes, I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called, testified as follows
in his own behalf:

MR. MELLETTE: What is your name? A Abraham Ward is my name.

Q Are you the Abraham Ward who is an applicant for enrollment as a
Cherokee Freedman? A Yes, sir.

Q Did you know J. L. Ward who has just testified in this case?

A Yes, sir, I know him.

Q Did you ever make a statement as testified to by him that you
came here too late to become a citizen? A No, sir, I did not.

Q Did you make statement, as testified to by him, that you came
back in '69? A No, sir.

Q Did you hear the testimony of John Ward, the last witness?

A No, sir.

Q Did you hear his testimony? A I heard it yes, sir.

Q Did you hear a statement being said of yourself, mother ~~xx~~ or
sister to him? A Yes, sir.

Q Where is that sister? A She is dead.

Q How long has she been dead? A About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward
after the war? A I saw him when the Cherokees drewed that general
payment, what called bred money.

Q What year was that? A I don't remember just what year it was.

Q Well, that is strange? A It was in '70 though I think.

Q Where did you see him? A '78 or '9; saw him right here at Vi nit

Q '78 or '9? A Yes, sir.

Q Along there; saw him here at Vi nita? A Yes, sir.

Q You didn't talk with him? A Yes, we was talking about our
boyhood times.

Q Talked to him where you had been? A No, sir, he knew where I
had been.

Q He was your young master? A Yes, sir, he and him was about the
age.

This Testimony will be made part of the record in cases
D.#608, D.#610, D.#611, D.#613, D.#629, D.#630, D.#631, D.#632,
D.#619, D.#621, D.#622, D.#623, D.#625, D.#633, D.#635

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J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

Subscribed and sworn to before me this October 10th, 1901.

Commissioner.

File with Cherokee Freedmen, 1-286, Sedie Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

In the matter of the application of Abraham Ward et al. for
enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:
Mellotte & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JOHN B. BROWN, being duly sworn by Commissioner Needles, tes-
tified as follows:

Mr. Hastings: What is your name? A John Brown.

Q J. B. Brown? A Yes, sir.

Q What is your postoffice? A Springer.

Q That in the Territory? A Yes, it is in the Territory.

Q You are a Cherokee Indian by blood? A Yes, sir.

Q What is your age? A I am 52.

Q You married a Choctaw, or Chickasaw? A Married a Chickasaw.

Q How long have you been down there? A I moved down there about
two years ago.

Q When did you come back to the Cherokee Nation after the war?

A We landed back in the Cherokee Nation in the fall of '65.

Q Where did you live during the year of '66? A We were down
there on Grand River.

Q Where did your father live in '67? A He was on Pryor Creek, I
think he lived on Pryor Creek.

Q Do you know a colored man by the name of Peter Ward, and Abra-
ham Ward? A Yes, sir.

Q When did you first see them after the war? A To the best of
my recollection, I saw them in '68 in Kansas near Mound City.

Q What were you doing up in Kansas? A There was an old negro that
my father owned, lived with him, I met him down here, and he had a
pension coming to him and I went with him up there to draw this money
and I found these people there in Ottawa, we went to Ottawa, Kansas, to
draw this money and there is where I saw these people.

Q Who did you go with? A Jess Brown and Jess Marcus, and there I
saw old Uncle Peter Ward and Abe and Berry, there was younger ones
but they were smaller, I got acquainted with them three.

Q Were they living there at the time? A Yes, sir, they were
living there.

Q Living in town or on a farm? A No, they were living on a farm
out a little piece from Mound City; Mound City, as well as I recollect
must be about 40 or 50 miles of Ottawa, Kansas.

Q About what time in the year did you see them there? A It was
in July or August, I remember they were cutting wheat when I was there.

Q Summer time? A Yes.

Q Well, about how long did you stay around there? A I don't know
how long, I don't remember how long, we stayed a while at Mound City
and then went on up to Ottawa and stayed there quite a while, we didn't
get the money when he first went there, we had to wait on account of
some papers wasn't fixed up right, and we had to stay there, I would
not say positively how long it was.

Q Was you at Peter Ward's house? A I can't say positively; you
see there was a whole bunch of them lived around there, and I went
to several of the houses around there and when they had preaching there
while I was there and I went to church and seen them; they all found
that I was an Indian and they came in to see me and talk with me.

Q You were with these colored man, two colored man? A Yes, sir, I

was with Jess, his mother was living there and his brother was there.

Q His mother and brother? A Yes, sir, mother and brother.

Q Did you see Abraham Ward? A Yes, sir, yes, sir.

Q You remember distinctly seeing him? A Yes, I remember him very well.

Q Well now did you meet anybody after you came back home, after you came back to the Cherokee Nation? A What do you mean; when I came back who did I meet?

Q Yes, if anyone? A No, I left them over there, they never came back.

Q Did you meet any of the Couches? A Yes, sir, Sam Couch and Pete Couch had just moved from Texas and I moved on Pryor Creek, they just had moved in, I just had come back from this trip and met them on Pryor Creek.

Q Now how many wards had you seen up there, you saw Peter and Abe and Berry? A I remember Peter, that is Abraham's father, Uncle Peter we called him, and Berry and Squire, not Squire, no, Abraham, them three I remember.

Q There were others but you don't remember? A Yes, there were other boys, I got acquainted with them after they moved back later on, but I don't remember seeing them up there like I do these other men, I knew them after I met them after they came back I knew who they were.

Q Did they say anything about having been back down here after the war before that? A No, sir, never said anything about that, they told me ~~that~~ they were coming back just as quick as they could come, everyone I seen was talking about coming back.

Q Where did you live in '66? A We were down on the Adair place, some called the Adair place and used to be known as the Alex McDaniel place.

Q Where were you in '67? A We were there in '67.

Q Where were you in '68? A Then we went on Verdigris, we had moved over there to Verdigris.

Q And that was in '68 you went up there? A Yes, in '68 I went to Kansas.

Mr. Mallette: You say you saw these wards up there in Kansas at church? A Yes, sir.

Q How long did you stay in Kansas that fall? A I can't tell you how long I was there.

Q You didn't lose your citizenship by going up there to Kansas? A Didn't lose my citizenship, no, sir.

Q How long did you stay there, you say? A I don't remember, might have been there two, three or four weeks.

Q You didn't go to their house? A Yes, sir, I went to old Uncle Peter Ward's house.

Q Why didn't you say just a while ago that you did go to their house? A I said I went to several homes there, they lived all around in that country at different places, and I had been meeting them one day and another while I stayed there.

Q What were you doing while you were up there? A I went up there with this old Jess Brown to get his money.

Q Where did you have to go to get his money? A Went to Ottawa, Kansas.

Q How far is that from here? A I don't remember how far it is.

Q About how far? A Oh, it is a long ways.

Q How far did they live from Ottawa? A As well as I remember, it must be forty or fifty miles, they were living at Mound City, to the best of my recollection.

Q What were you doing at Mound City? A There is where Jess's brother and mother lived, we landed there first.

Q What did you stay there for? A He wanted to see his mother, I stayed with him.

Q Did you have to stay with him? A Of course I had to stay with him, I went with him, whenever he got ready to go on up to Ottawa.

- 3 -

we went on.

Q You saw three wards up there? A Yes, sir, I remember the three.

Q You don't know how long they had been there? A No, sir.

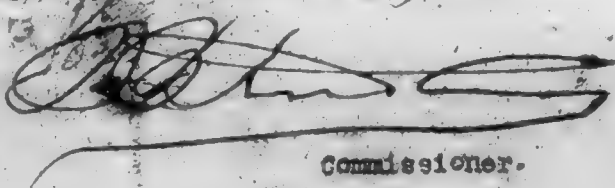
Mr. Hastings: You hauled Jess Brown up in your wagon? A Yes, sir.

Commissioner: This testimony will be made part of the record in Foreman cases D-608, D-610, D-611, D-613, D-625, D-615, D-616, D-618, D-619, D-621, D-623, D-625, D-626, D-605.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 31st of October, 1901.


Commissioner.

File with Sadie Ward C. F. D. 885

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 15, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel Thompson et al, C. F. D. #808.

Appearances:

James S. Davenport for the Cherokee Nation
Mellette & Smith for the ~~Cherokee~~ applicant.

T. F. Thompson, being first duly sworn by Court D. S. Needles, testified as follows on the part of the Cherokee Nation—

(By Davenport)

Q What is your name? A T. F. Thompson.

Q Where do you live? A 3 miles south of Vinita.

Q What is your age? A 54.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.

Q Did you know him before the war? A Yes sir.

Q Do you know where he went during the war? A I think he went north to Kansas.

Q Where did your family go during the war? A To Red River.

Q Choctaw Nation? A Chickasaw Nation.

Q When did you return to this country? A In the fall of '66, in October.

Q Did this applicant go with your family? A He never was with us during the war.

Q When your family returned to the Cherokee Nation where did they locate? A On Grand river, 12 or 15 miles east of here.

Q How far from where they had originally lived? A Same place.

Q Was the applicant there when you returned? A No sir.

Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.

Q With reference to the time the railroad was here when was it? A The Katy was here I think.

Q About what year was it? A As well as I remember it was in '71 or '72.

Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir.

Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.

Q Where was he living at that time? A On Big Brown he told me.

Q Did he say then that he had been living on Grand river at the old place? A No sir.

Q You had always lived on the old place since your return? A Yes sir.

Q Same place you lived on prior to the breaking out of the war? A Yes sir.

Q Had the applicant been there after the war to your house? A Not that I know of.

Q You saw him here in Vinita for the first time after the war? A Yes sir.

Q Did he come to your house at that time? A He came to my father's house and staid a day or two with my father.

(By Smith)

Q What was your father's name? A Johnson Thompson.

Q Is he a Cherokee? A Yes sir.

Q By blood? A Yes sir.

Q A recognized citizen of the Cherokee Nation? A Yes sir.

Q Did he own Daniel Thompson before the war? A Yes sir.

Q Was Daniel Thompson with your father when the war commenced? A Yes sir.

Q What time did you get back here after the war? A October, '66.

Q You came to what place? A Our old place.

Q How far from where Vinita is now? A 12 or 15 miles.

Q How old were you then? A 15 years old.

Q Just a boy? A Yes sir.

Q From the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school one or two sessions at Pea Ridge, Arkansas.

Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.

Q All you know is that the first time you saw him was in '71? A Yes sir.

Q You don't know how long he had then been in the Cherokee Nation? A No sir.

Q You don't know where he was during the war? A No sir.

(By Davenport)

Q When were you at school? A In '67, in the fall.

Q You was at home then from '66 to the fall of '67? A Yes sir.

Q You never saw the applicant there then? A No sir.

Q Never heard of him being there did you?

BY MR. SMITH: I object to him stating what he might have heard.

(By Smith of witness)

Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.

Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A David Stinger.

Q Where do you live? A On Big Creek, Cherokee Nation.

Q How old are you? A 60.

Q How long have you lived in the neighborhood of Big creek in the Cherokee Nation? A About 28 years.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Since '72.

Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.

Q What was he doing when you saw him? A Just commenced making a farm there.

Q Did you have a conversation with him then? A Yes sir.

Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here—thought he would come back home as he called it.

Q Did he have a family with him then? A Yes sir.

Q What year was that? A I think in '72.

Q What improvements had he made then? A Nothing, he was just in a wagon there.

Q Did he say when he had gone to Kansas? A No, I don't know anything about that.

Q Was anything else said about his having been in the Cherokee Nation before that? A I don't think there was.

Q How many children did he have there? A Two.

Q What were their names? A Sandy and Mandy.

Q Were they both with him? A Yes sir.

Q Did he afterwards make a place there? A Yes sir.

Q Where has he been living since? A Right there all the time.

Q What year was this you say he came there? A '72.

(By Smith)

Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.

Q How long had you been there in '72? A I came there in '71.

Q Where from? A Peoria, Illinois.

Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.

Q You don't know where he was in '69? A No sir.

Q Or in '68? A No sir.

Q Or in '67? A No sir.

Q Or in '66? A No sir.

Q Or in '65? A No sir.

Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.

Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.

Q You don't know when he first came here after the war? A No sir, only that time.

Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)

Q Was he living there when you came there in '71? A No sir.

Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A William Noble.

Q Where do you live? A On Big creek, Indian Territory.

Q Cherokee Nation? A Yes sir.

Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.

Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Good many years, I can't say exactly how long, I think he moved in there on Big creek right close to me, I think he came from Kansas there in the fall of '72, and he has lived there ever since.

Q Did he settle a place there when he came down? A Yes sir.

Q How far from you? A Two and a half miles.

Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.

Q Did he have his family with him? A Yes sir.

Q Children? A Wife and three children.

Q Did you have any conversation with him? A Yes sir, he told me he just moved in from Kansas.

Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.

(By Noble)

Q When did you first come to the Cherokee Nation after the war? A In '64.

Q Were you in the army? A Yes sir.

Q When were you discharged from the army? A I was discharged, I think it was in '62.

Q In what? A '62.

Q Were you discharged before the war closed? A No sir.

Q But you think it was in '62 that you were discharged? A I believe it was.

Q In '62 maybe? A Somewhere along there.

Q Somewhere in '61 or '62? A Yes sir.

Q You testified Saturday last in the John Vann case didn't you? A Yes sir.

Q Didn't you say then that you were discharged in the year '65 from

the army? A I dont think I did, I think I said I didn't know exactly.

Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.

Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '63.

Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.

Q When did the war close, what year? A I think it was in '61, wasn't it?

Q When did it commence? A You are just a little ahead of me when it commenced, I dont recollect it.

Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time the war was over.

Q What did they discharged you for the first time? A Three years service.

Q Then you went back the second time? A Yes sir.

Q How long did you stay then? A Two years.

Q How long did that war last? A Five years, wasn't it?

Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.

Q What year did you get here? A In the spring of '66.

Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.

Q And you are certain you were discharged from the army after the war was over? A Yes sir.

Q And you got here in '66? A Yes sir.

Q Now how did you do that? I went from Louisville, Kentucky where I was discharged to Iowa, and from Iowa to Kansas and from Kansas here.

Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '72.

Q You dont know how long he had been here before that? A No sir.

Q You dont know when he came ~~to~~ here? A No sir, except when he came to Big Creek.

(By Davenport)

Q You dont know when the war began? A No sir.

Q Nor when it closed? A No sir.

Q Had Dave Stinger come to your place before Daniel Thompson come on Big Creek? A Yes sir.

(By Smith)

Q Where did you go after you were discharged? A Iowa.

Q Where did you go then? A Kansas.

Q Where did you stop in Kansas? A Neosho ~~RAVIA~~ River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.

Q Did you have any trouble up at Chatopa? A No sir.

Q Were you never arrested in Kansas? A No sir.

Q Do you remember a man named Gage in Chatopa? I dont remember, I am not acquainted with him.

Q Didn't you have any trouble with him and get arrested? A No sir.

Q Didn't he have you arrested? A I dont think so.

Q Don't you know? A I know I wasn't arrested there.

Q Have you ever been arrested at all? A Yes sir.

Q Where? A In the Cherokee Nation.

Q What for? A Cattle stealing.

(By Davenport)

Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.

(By Smith)

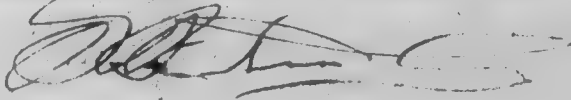
Q Are you a citizen of the Cherokee Nation? A Yes sir.

This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-606, and also in C. F. D. cases D-623 and D-693 and their subreferences.

=====

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 17th of October, 1901.



Commissioner.

File with case of Sadie Ward, C.F.-D.#885.

Supl.C.F.-D.#807.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CHEROKEE
FREEDMEN OF ABRAHAM WARD, ET AL., the following supplemental testi-
mony is offered on part of applicants:

APPEARANCES:

Mellette & Smith, Attorneys for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

STEPHEN RIDGE, being duly sworn by Commissioner Needles,
testified as follows:

MR. SMITH: State your name? A My name is Stephen Ridge.

Q How old are you? A I am 80 years old.

Q Are you a colored man? A Colored man?

Q Yes? A Yes, sir.

Q Where do you live? A I live in Mound City, Kansas.

Q How long have you lived there? A Oh, about 37 years.

Q In what year did you go there? A I went there in '64.

Q In what time in '64, what season? A Well, I got up there
September 12th.

Q To what place now do you refer? A Mound City.

Q What is your business, what do you do? A Well, I have done
a good many things for a living, but I was employed by the Second
Baptist Church there; that is in '65, in the month of May I took
charge of the Second Baptist Church there.

Q In what year? A In '65 in May.

Q Well, in what way did you take charge of it; what did you do?

A I preached the best I knew how.

Q You are a preacher are you? A Yes, sir.

Q Well, did you know a Peter Ward there? A Yes, sir, I know him.

Q When did you first get acquainted with Peter Ward? A I was
slightly acquainted with him down in Arkansas.

Q When did you first get acquainted with Peter Ward? A We was
slightly acquainted as I stated down in Arkansas; no, I will take
that back if you will please, I got little kinda off, I can't keep
memory like I used to.

Q Just tell us when you got acquainted with him? A We was slight-
ly acquainted in the old Territory; wasn't that right, wasn't it.

Q Just stop now and tell us when you first knew Peter Ward?

A Well, I was correct after all.

Q Ever knew Peter Ward in Kansas? A Yes, sir.

Q How long had you been up there in '64 before you became acquainted
with Peter Ward? A Oh, I became acquainted with him the first
month I went there; that was in '64.

Q About how long did you know him there in Kansas? A Oh, I
knew him all the while; while he was there until he came away.

Q Well, about how long was that? A Oh, I guess not over a year or
after I got up there; that is as long as we lived together. Well,
if you will let me state it.

Q Go ahead now? A Well, the way this came up; how I got so well
acquainted with him was there as I told you, the church got me,
played me for a preacher and he was then a member of that organiza-
tion and was a deacon in that church and you recollect we had our
monthly meetings at Gramma's on business there once a month and
of course we had a great deal of business together; that is the way
I became so well acquainted with him. We was both members of the
same church.

Q Do you know what the last business was that Peter Ward transacted there in that church, or when it was? A Yes, sir. He was with us the 17th day of June, '66; that is the last time he transacted business with us.

Q The last time he transacted business with you in the church?

A Yes, sir.

Q What did you do then? A We elected another deacon in his place.

Q What business was it you transacted on the 17th day of June, '66?

A Well, the reason I remember so well about that, I remember being the last, in receiving a member into the church we, he took a stand against it; that is what keeps me in remembrance of it so well, and it was the last transaction in the church.

Q Have you any book or church record? A I have got that first little book we had, but I haven't got it in my pocket; I had it in the forenoon and went down to dinner and thought I wouldn't have no use for it and left it in my valise.

Q By what did you fix the dates of these church meetings and matters that you have talked about?

Mr. Davenport: I object to that unless you get the book up here.

A The first time the church meetings was for a while we always had out church meetings on the Saturday before the first Sunday in the month and then we changed it, I requested the church to change it to Saturday before the Second Sunday on account of the other organization I had joined:

Q Well, after that time in June, '66 that you speak of, what became of Peter Ward; do you know whether he remained in that neighborhood, or did he go away from that neighborhood? A I heard he came to the Territory.

Q Did you ever see him there any more? A No, sir, I never saw him there any more; didn't see him any more--oh, I don't know for several years.

MR. DAVENPORT: Who is this you are talking about? A Peter Ward.

Q What Peter Ward? A Why Peter Ward that's dead, I know.

Q Just Peter ward? A Yes, sir.

Q Did you ever see more than one Peter Ward in your life?

A No, sir.

Q You saw one in Arkansas? A That is the same one.

Q How many children did Peter ward have? A Oh, I don't know.

Q Did all his children go away when he did or not?

A I don't know whether they all went away at the same time or not; I know they all left.

Q All left eventually? A I would not swear that.

Q Have you been living there at Mound City, Kansas, continuously since that time? A Yes, sir.

Q Don't you know that one of his family lives up there now and has been since the war; one of his boys? A I don't know; which one?

A I am asking you if you know? A Oh, no, I don't know.

Q What boys do you know? A I know some of the older ones.

Q What is one of the older one's name? A There was Harry and Abraham and Squire, I knew them all, and he had one named Ben and he had one I won't be positive, but I tell you I know them, and another one was;

Q That is the last time you saw peter in the church? A Yes, sir.

Q You have been custodian of the church books ever since that time?

A No, no, we had Clerks.

Q Have you been Pastor in charge of that church ever since 1866?

A No, sir.

Q Have you lived in Mound City all the time since that time?

A Yes, sir.

Q Who do you know up there? A I know quite a number of folks.

- Q Do you know J. B. Brown, up there? A What J. B. Brown.
Q Just J. B. Brown is all I know. A I know one Brown.
Q Well, do you know a fellow by the name of J. L. Ward that lives up there? A What is he?
Q He is a white man or Indian? A I know Mr. Ward.
Q Well, do you know B. B. Osborn? A Buy Osborn, I know him.
Q He lives there in Mound City.
Q Well, do you know C. W. Kingsberry? A There is a man that lives about there, about three miles above Mound City, I know him by name perfectly well, but I never got so well enough acquainted with him to know him when I see his face but I know there is such a man as that.
Q When did you look up that church record to see when the last time Brother Peter Ward officiated with you? A I just looked it up here about a week ago.
Q Where had that book been all the time? A I had it in my possession.
Q You made the entries in the book? A No, sir, I told you we had a clerk and he was not a member of the church and then we had, or rather thought we ought to have a clerk that was a member of the church and then they elected a man by the name of Sam Clark, he is dead now and after he left he left and went down to Iola, or some place.
Q Well you don't know where Ward went after he left there? A I don't know no more than what he said; said he was going to the Territory.
Q When was that? A That was in '66.
Q How do you know it was in '66? A Because.
Q Does your book say that? A Yes.
Q Your book says Ward had resigned because he was going to the Territory? A No, the book don't say so, but I noticed this in order to find out about the time when Peter Ward left there, I remember; I say it was the 17th day of June, as I stated. It was the 17th day of June and when I found I remembered when looking over it, I noticed that that was the last time Brother Ward was there with us to transact business and it was on the 17th day of June, '66; but he never was with us any more after that in our transactions in the church and of course that give me a very good reason to believe that he came right off because he had been talking of it before.
Q You don't know that he moved at once to the Territory? A I don't know; that is, I don't know what day he left so; I know he never was with us in church meeting after that, and I have always believed he come right straight to the Territory because I never saw him any more; after he had been up there in the neighborhood he would have been in the church meetings.
Q You are just imagining that? A I know that because he was a faithful member and never missed.
Q Did your members attend all the time or did some of them backslide? A I could not tell you much about that, because we always has some little back-sliding in the churches and of course we didn't keep track of it all the time.
Q Where was it in Arkansas you saw this fellow? A We met in Mayesville; well, we wasn't well acquainted then as we might have been, but remember when we met here in Kansas that we had met before.
Q Well, where was you living when you met this man at Mayesville, Arkansas? A I was living on Honey creek.
Q In what country? A In the Indian Territory.
Q Are you a Freedman? A I am a Freedman, but I have about give it up because you have took such stand here against us freedmen, and because we lived a little while in Kansas, we could not live here; I have spent about a hundred dollars to get my name in, and did have my name on the Wallace roll and when I come to find it could not find it.

Q Did you get your name on the Kern-Clifton roll? A No, sir, I didn't know when was the proper time, I come too late.

COM'R NEEDLES: Had Peter Ward been talking to you about coming to the Territory? A Yes, sir, he talked it all around there, it was known all over the neighborhood he was coming to the Territory and of course we calculated when he left there that he come to the Territory and I believe that with all my soul.

MR. DAVENPORT: He has been talking to you since you have been down here this time? A We talked a good deal, we always do when we meet; I have been down here several times before since he come, but I didn't meet him after he come down here, I expect it must have been five or six years afterwards. Well, the first time I met him was when I come to get my ~~name~~ ~~on the~~ name on the Wallace roll after he come.

(Application is continued until the witness can send and get the book of which he has been referring.)

Q In giving your testimony a while go when you referred to your church book, is the name of Peter Ward shown in the book on the date you referred to as fixing the date that he last officiated with you at the church? A No, sir.

Com'r Needles: This testimony will be made part of the record in the case at bar and part of the record in D)608, D610, D-611, D-613, D-425, D-615, D-616, D618, D-619, D-621, D-622, D-623, D-625, D-626, D-605.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this November 5th, 1901.

[Signature]

Commissioner.

Radie Ward C. F. N 888

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 28th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #607
SUPPLEMENTAL TESTIMONY

APPEARANCES:

W. W. Hastings for the Cherokee Nation.
Mallette & Smith for the applicants

By Mr. Hastings: I desire to file a certifice from J. A. Gady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1887, there appears the following: " Peter Ward, one Female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Gady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

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(COPY)

State of Kansas: ss.
County of Linn:

I, J. A. Gady County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1887 and find that Peter Ward is listed on said rolls as follows: " Peter Ward, one Female dog." said entry is on page 75 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1887, and said assessment and list of property owners was taken during the month of March, 1887, and based upon residence of said County for March 1, 1887, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(Signed) J. A. Gady
(SEAL) County Clerk of Linn County, Kansas.

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By Commissioner Breckinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants, be filed in the case to which this case refers and all subreference thereto as found upon the records of this Commission.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reports in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcription of the stenographic notes in said proceedings.

Subscribed and sworn to before me this 28th of October, 1901.

[Signature]

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I.T., October 28, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for the applicants;
E. W. Hastings, of counsel for Cherokee Nation.

A. R. WAYNE, being duly sworn by Commissioner Needles, testified as follows:

Q. Hastings: What is your name? A. A. R. Wayne.

Q. What is your postoffice? A. Mound City, Lynn County, Kansas.

Q. What is your age? A. I am 88 years old.

Q. Were you in Lynn County, Kansas, during, and the years immediately after the war? A. Yes, sir.

Q. I will ask you if you know a colored man by the name of Peter Ward? A. Yes, sir.

Q. Where did you learn to know him at first? A. Four miles and a half west and one half mile north of Mound City, Lynn County, Kansas.

Q. When? A. In 1866.

Q. You know whose place he was living on at that time? A. I forget the name of the man at that time, in '66.

Q. Do you know where he moved, if at all, in '66? A. He moved to the farm of Amos Durben, and some call it the O. W. Kingsbury place now.

Q. Is Kingsbury his grandson? A. Of Durben's, yes sir.

Q. How long did he continue to live on the Durben farm? A. 3 years.

Q. Now by what do you fix that? A. The first time that I saw him I knew where I was working breaking prairie, and I stuck a thorn in my foot right in there, and I stopped and Mrs. Ward said that the gall of a bee was the best thing I could put on it, and by me breaking prairie I knew it was in '66, I know where I was living at that time.

Q. How do you fix the next date, three years later, which would make it in '69? A. I have a record of the expenses that I had paid out in May, toward the last of May, from the first of January till the last of May, that me and him had a transaction whereby me I paid him \$2.50.

Q. Peter Ward? A. Yes, sir, the second day of March.

Q. Of what year? A. 1869.

Q. Where was he living at that time? A. He was living on the farm of Amos Durben.

Q. Do you know any of Peter Ward's children, sons, members of his family? A. I know one girl and I know Abraham Ward, Clint Ward, I presume his name is Clifton but we all called him Clint, and George; I believe that is all that I can bring to mine now at the present time.

Q. Have one by the name of Berry? A. Yes, sir, I think Berry was the second boy.

Q. Was there one named Squire Ward? A. Yes, sir, I think there was.

Q. You recollect it now? A. Yes, sir, Squire Ward.

Q. Were there these children living between the years of '66, that you first knew the father, and '69? A. They were living with their father, the boys of course would work around first one place and another wherever they could find work, but there is where they made their home, with their father.

Q. Have you seen them since that time, '69? A. No, sir, I haven't.

Q. Do you know whether you would know them or not now? A. No, sir, I don't know them so often as then that I gave in this other place.

Q Do you know that one over there (indicating Abraham Ward)?
 A Yes, sir, I have seen that gentleman over there, but I can't tell you his name; I know by the looks of him I have seen him.
 Q You don't recollect to have seen any of them since '69? A No, sir.

Q How far did you live from them say in '69, from the Durben farm?
 A About a mile and three quarters.

Q Well how did you live that far from '66 to '69 to them? A No, sir, in '66 I was living farther off.

Q Well, when did you come up nearer to them? A When I got married in '67; I was married in '67 and I was a little bit closer to them.

Q Well, were you as near in '67 as you were in '69? A Same place.

Q You were as near to them in '67 as you were in '69? A Yes, sir, same place.

Q And you remained on the same place from '69 to '69? A Yes, sir.

Q Now during that time, far from '66 up to '69, did you miss Peter Ward or any of his sons away from up there? A No, sir.

Q Did you have occasion to see them from time to time? A Only upon one occasion to my knowledge that I got to see them except just in passing around; I had one transaction that I was over to their house.

Q Did you see them in the country any place? A Oh yes, I have seen them around.

Q You mean by that, that that is the only time you ever had my personal business transaction with them? A Yes, sir, that is what I mean, personal business transaction.

Mr. Smith: What month in the year 1866 was it you got acquainted with Peter Ward? A Well sir, I can't tell you what month, but then I know it was along in the spring because I was breaking prairie, breaking it with oxen.

Q Did you break any ground except in the spring? A Not the prairie, to my knowledge, I never did.

Q You have been there in that country ever since '62? A I had been there ever since '55.

Q You had been living there some ten or eleven years when you first became acquainted with Peter Ward? A Well, I came there in May '55, and it was '66 when I first recollect getting acquainted with them to know them.

Q Now in what way do you fix the date as in '66 when you first became acquainted with Peter Ward? A I was breaking prairie west of where they lived, and I came up there in regard to my foot; as I said, I had stuck a stub in my foot, and I came up there and Mrs. Ward gave me a piece of bee gall to put on it to draw it.

Q Well, did your foot get well? A Well it isn't off, I suppose it did.

Q Well that has been how long ago? A Well '66; that has been 35 years ago.

Q When did you first have any occasion to remember the matter, or date when you first met Peter Ward, or when was that ever called to your attention first after that time? A For the first time you mean?

Q Yes? A Well it was in March, '66, that I had the transaction with him.

Q That had nothing to do, however, with the time you first met him? A No, sir, not to my knowledge, no, sir, just seen them from then in passing around.

Q What I mean to say is, the fact that you had the business transaction with him in March or any time in '66 would not aid your recollection as to the time you first met him, would it? A I don't know as I understand your question.

Q I say there was no connection between your business transaction with him in '66 and the date when you first met him, nothing connecting the two things together, one had nothing to do with the other, did it? A No, sir.

Q Well then, now when did you first have occasion to remember that you met Peter Ward in '66? A I just not told the occasion, about

plowing and going up there.

Q I knew, but you did a great many things in '66 that you haven't had any occasion to think about since, haven't you? A Yes, sir.

Q What first brought this incident to your mind, that is what I am talking about? A What first brought it to my mind?

Q Yes, or recalled this thing you are talking about in '66? A Well I was asked if I knew a man by the name of Peter Ward.

Q When? A Well I think it was pretty near four weeks ago.

Q Who asked you? A Why I think he was by the name of Keys, J. M. Keys I think, if I am not mistaken.

Q Well now from the time this thing happened up to the time that J. M. Keys asked you about it, you had had no occasion to remember this incident, or the date when you hurt your foot, had you? A No, sir.

Q Now for thirty-five or six years you had carried in your mind the date when you had hurt your foot? A Yes, sir, I know the date by that transaction of breaking prairie, know where I was living.

Q How long did you live there? A At that place, only lived there at that place just one year, working for my brother that year.

Q Now that has been a long time ago, hasn't it? A Yes, sir.

Q Do you think you can swear with certainty it was in '66 and no other time that you met Peter Ward the first time? A Yes, sir, not to my knowledge to know him; I might have met him but not to know him.

Q Do you think you can't possibly be mistaken about the date?

A I know I can't be mistaken in regard to the date of the year.

Q You know that? A Yes, sir.

Q Well now Mr. Wayne, where is your record? A In my pocket in a book.

Q I would like to see that. A (Witness produces book) That record commenced there, January 2, 1869, it goes on down to there, (indicating on book) is Peter Ward, \$2.50; it goes on down to here, to May, '69, \$108.64; I spent during that time \$108.64.

Q When did you commence to keep this book? A Well, I think that book came in my possession in 1868, along in the winter of '68.

Q When did you quit making entries in it? A In regard to my expense?

Q No, entries at all? A Well I think probably it was away along in the seventies somewhere, might maybe have been late as '76, toward the back there in regard to some Sabbath School records I think, and in that some part there is some few pages that was in '69, some transactions, and some probably in the seventies somewhere.

Q Mr. Wayne, at the place in this memorandum where the name of Peter Ward occurs, there is no year there, is there? A No, sir, there isn't; there was no occasion for the year when I was keeping the account; you will find here it is entered, and it goes on down here, and here it is March 11th, and March 2, and goes on down, 2, 11, 12, 13, etc.; there was no occasion for it in keeping the record.

Q Mr. Wayne, what is the entry immediately above the name Peter Ward? A (Reading from book) That there is Ben Brumman, a colored man, 25¢; no, it is stamps, 1¢.

Q You are sure that that is stamps? A No, nada, 1¢.

Q Then it isn't stamps? A No, sir, I thought it was stamps, but it is nada instead of stamps; here is stamps below here.

Q Now Mr. Wayne, that line upon which the word, Peter Ward, is written has been erased? A No, sir.

Q Isn't there an erasure on that line? A Not to that knowledge, and I am the only person that has ever had it.

Q Can you read that entry immediately above that Peter Ward, and Peter Ward, as distinctly as you can this entry immediately below it?

A Well there is a part of the Peter there that I can see just the same as I can the other, the same that is below here; here is some oil I believe.

Q What is not the question; are the entries below clearly and more distinct than the word, Peter Ward? A No, sir, not that I

notice still they got way down there, they are about the same.

Q Now then you see there is a part of the Peter that you call ~~and better~~ than the other part? A Well the t there appears to be a little bit plainer.

Q Can you see any e in that Peter? A Yes, sir.

Q Where is it? A Right after the t.

Q If you didn't know what it was could you tell what the remaining letters after the P were? A Yes, sir, that is my handwriting and I would.

Q Now why, Mr. Wayne, is that word Peter Ward blurred, as it appears upon the record? A I can't tell you any more than here; not a bit.

Q You don't know? A No, sir.

Q Did you write the word potatoes on the second page? A Yes, sir.

Q Did you make that P? A Yes, sir.

Q Is that one like this one? A Yes, sir, that one looks like I didn't make it very plain and I taken it again, same as there (indicating) in writing that down it looks as though I had made two, cracks on that, and you will probably find the P somewhere.

Q Now Mr. Wayne, sometimes a P is made with one stroke of the pen?

A Yes, sir.

Q Now that P in potatoes is made that way, isn't it?

A No, I don't make a P but very seldom, sometimes I make a P by running down and then back, and sometimes then I make a P by making a straight mark and going around that way (indicating); I make Ps two or three different ways.

Q Now Mr. Wayne, the word Peter there in this book is blurred?

A Yes, sir.

Q It is indistinct? A No, sir, not to my mind it is not.

Q Not as clear as the entries below it? A It is about the same thing here except that P in here, that I see, appears to be a little plainer than that e-t-e-r.

Q Well, do you state that that is as clear as the entries below?

A No, sir, I saw it is not, it is the same as some that would be over here at some other place.

Q Now you didn't use this book since eighteen and what? A Oh I have probably referred to it for some regards in regard to an orchard that I got out, and my little boy that is dead might have got hold of it once, he might have got hold of that book.

Q Where was this book when you were first interrogated about Abraham Ward? A It was in my desk in my room.

Q Did you remember, when you were interrogated as to the time when you had had any business transactions with Peter Ward, without reference to that book? A No, sir.

Q Then you are testifying from that record? A I am testifying from my record in regard to the transaction.

Q Is the record is wrong you are wrong? A Yes, sir.

Q Can you tell me who made the blur, or erasure, if it is an erasure, upon that line upon which appears the name of Peter Ward? A No, sir.

Mr. Smith: If the court please, I would like to offer the book.

Mr. Hastings: You can't take the book away from the man.

Q Do you want this book any more? A I have some records in regard to some orchards that I would have to have here.

Q If you are willing, we would like to keep it a while in this case, and the commission will return it to you afterwards? A I have no objections, but there is a little paper in there I would like to get out afterwards.

Mr. Hastings: When was this entry made: was it made at the time that it purports to have been made? A Yes, sir, I tried to put down the night in which they were made.

Mr. Wayne, now the page before, or the second page before this page of Peter Ward. I notice this date: (reading) January 2, 1884.

Mr. Hastings: A Yes, sir.

Q Following that are a great many entries and only the month and the day, is that intended to be that year? A Yes, sir, everything down to May, '69; it tells the date on the opposite page.

Q Opposite page to where you summed it up? A Yes, sir, to where I summed it up here, it is three pages over.

Q Well, between the two pages before this and say three pages afterwards, they contain the transactions of that year of '69? A It does, yes, sir.

Q Mr. Payne, a good part of this record was kept with pencil, wasn't it? A Yes, sir.

Q Has it ever been erased or mutilated other than by wear? A No, sir, not to my knowledge, unless my little boy might have got hold of it.

Q Well, you never mutilated that name of Peter Ward or erased it? A No, sir, I wouldn't have any occasion to.

Q Is that in the same condition that you found it when Mr. Keys made the inquiries of you with reference to your knowledge about Peter Ward? A It is exactly the same.

Q No change has been made? A None whatever.

Commissioner: The book testified about will be filed with the papers in the case.

Commissioner: This testimony will be made part of the record in the case at bar, and part in D-008, D-610, D-611, D-613, D-625, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-623, D-626, and D-605.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he, correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 13th of November, 1901.

M. D. Green
M. D. Green
Commissioner.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D. 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

885

India Ward, D. 885;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Bill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F.D. 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

6885
Sadie Ward, D- 888,-

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decrees because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1865, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decrees already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Peter Hudson and others, consolidating the applications of

Peter Hudson,.....	Cherokee Freedmen	D	604
William Hudson, et al.,.....	"	"	D 608
Peter Ward, et al.,.....	"	"	D 613
Abraham Ward, et al.,.....	"	"	D 607
Ben Ward, et al.,.....	"	"	D 616
Squire Ward, et al.,.....	"	"	D 615
Sadie Ward,.....	"	"	D855
David Ward,.....	"	"	D 619
George Ward,.....	"	"	D 428
Alonzo Ward, et al.,.....	"	"	D 608
Will Ward, et al.,.....	"	"	D 610
Berry Ward,.....	"	"	D 611
Lena Ward, et al.,.....	"	"	D 1117
Malinda Williams, et al.,....	"	"	D 618

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Peter Hudson for himself; by William Hudson for himself, his wife, Eliza, and his minor children, Emmett, Levi, Wilburn, Ida and Ivory Hudson; by Peter Ward for himself, his wife, Louisa, and his grandchild, Eva Ward; by Abraham Ward for himself and his son, Artes Ward; by Ben Ward for himself, his wife, Sarah, and their minor children, Vannie, Martha, Clarence, Neal and Myrtle Ward; by Squire Ward for himself and his minor children, Joseph, Jennie and Eliza Ward; by Sadie Ward for herself; by David Ward for himself; by Nancy Ward for her husband, George Ward, among others, the other parties to her application, being differently classified, are not embraced in this decision; by Alonzo Ward for himself and his minor children, Savannah, Ezra and Elvira Ward, as Cherokee Freedmen, and for his wife, Mahala Ward, as a Cherokee Freedman by intermarriage; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Mahala Ward, as such, will not be passed upon, or con-

sidered in this decision; by Will Ward for himself and his minor children, Gracie and Frances Ward; by Berry Ward for himself; by Lena Ward for herself and her minor child, Roxie Beeson, and by Malinda Williams for herself and her minor children, Monroe and Delois Williams. A copy of the testimony taken at Vinita, Indian Territory, on October 15, 1901, in the matter of the application of Daniel Thompson, et al. is made a part of the record herein.

The evidence shows that the applicant, Peter Hudson, together with his wife, Charity Hudson, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion, but returned thereto prior to January 19, 1867. The applicants William Hudson and Sarah Ward, wife of Ben Ward, are the adult children of Peter Hudson and Charity Hudson. The said William Hudson and Sarah Ward were minors at the commencement of the rebellion and are considered to have acquired the status of their mother, Charity Hudson, and, therefore, to have been the slaves of a Cherokee citizen at the commencement of the rebellion. It appears that they returned to the Cherokee Nation with their parents prior to January 19, 1867.

It further appears that the minor children of said William Hudson, included in his application, were born since 1866 and derive their rights to enrollment through him; that Lena Ward, Roxie Beeson and Vannie, Martha, Clarence, Neal and Myrtle Ward were all born since 1866 and are the descendants of the said Sarah Ward, nee Hudson. The evidence further shows that the said Peter Hudson, William Hudson and Sarah Ward, nee Hudson, have resided in the Cherokee Nation from 1866 up to and including the date of their applications herein. The said descendants of William Hudson and Sarah Ward, nee Hudson, are considered to have resided all their lives in the Cherokee Nation with the parents through whom they claim.

It further appears that the applicants Peter Ward, Louisa Ward, Abraham Ward and Ben Ward were the slaves of Cherokee citizens at the commencement of the rebellion; that they removed from the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The applicants Eliza Hudson, Eva Ward, Artes Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elnora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, all born since 1866, are the respective descendants of the said Peter Ward, Louisa Ward and Abraham Ward and have no rights as Cherokee Freedmen, except such as they may have acquired through their said ancestors.

The applicant Squire Ward was a minor at the commencement of the rebellion and is considered to have acquired the status of his mother, Louisa Ward, and therefore to have been the slave of a Cherokee citizen at the commencement of the rebellion. It appears that he was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The said Joseph, Jennie, Eliza and Sadie Ward are his descendants, born since 1866, and have no rights as Cherokee Freedmen, except as such descendants.

None of the names of the persons whose applications for enrollment are denied herein, are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that Peter Hudson, William Hudson, Emmett Hudson, Levi Hudson, Wilburn Hudson, Ida Hudson, Ivory Hudson, Sarah Ward, Vannie Ward, Martha Ward, Clarence Ward, Neal Ward, Myrtle Ward, Lena Ward and Raxie Beeson should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 498); and that the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abraham Ward, Artes Ward, Ben Ward, Squire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Sadie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Mera Ward, Kinora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of said Act of Congress, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Dixby

Chairman.

(SIGNED).

I. B. Needles

Commissioner.

(SIGNED).

C. R. Breckinridge

Commissioner.

(SIGNED).

M. D. Stanley

Commissioner.

Dated at Muskogee, I. T.,
this JUL 10 1903

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Sadie Ward,
Centralia, I. T.

Cherokee-Freedmen.

Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,

Commissioners.

X

NO 885

RECEIVED
MAR 25 1902

[Signature]
J. H. CHURCH

2
No. D. F 885

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
day of..... A. D. 1901

Given under my hand this
day of..... A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the

day of SEP 18 1901, 1901.
W. L. Smith
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A.D. 1901

Subscribed and sworn to before me
this..... day of..... A.D. 1901.

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 20 1901

W. L. Smith
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Sadie Ward
for enrollment as a Cherokee citizen:

Case No. D 885

To Sadie Ward or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory. Indian Territory, on Oct. 5th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

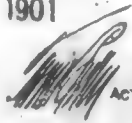
L. B. Bell
N. H. Hastings
Attorneys for the Cherokee Nation.

4

80 885

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 20 1901



ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory AUG 26 1901 1901

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of Ladie Ward for en-
rollment as Cherokee Freedmen.

Cherokee Freedmen # 885

M. L. Smith
Atty. for applicant

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

JUN 26 1901

Post Office

District

Cuthberta St.
Coo.

1. Name Age
 Owner's name Citizenship
 Year Page No. District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age 22

Owner's name

Citizenship

Year

Page 126

No 3/38

District

Coo

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by No. 1 Stenographer M. H. Green

1. Cuthberta St. P. 157 * 3/38 - Coo

X Key P. 615 -
 Represented by Mellett and Smith.

②

70835

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 26 1901



ACTING CHAIRMAN

COPY.

Cherokee Freedmen
D-504, 49.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tablequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson, et al., granting the applications for the enrollment, of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Marie Bessen, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Edie, David, George, Alonzo, Savannah Mera, Elmera, Will, Grace, Frances and Perry Ward, and Malinda, Mourne and Delais Williams, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Enc. N-3.

Commissioner in Charge.

COPY.

Cherokee F.D-885

Muskogee, Indian Territory, August 24, 1903

Sadio Ward,

Centralia, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc: D-142

Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen
D-604 et al.

Waukegee, Indian Territory, August 24, 1903

Edgar Smith,

Attorney for Peter Hudson et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonso, Savannah Kara, Elnora, Will, Gracie, Frances and Berry Ward, Malinda, Monroe and Delois Williams as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

-2-

made known to you as soon as the Commission is informed of the same.

Respectfully,

T.B. Needles.

Commissioner in Charge.

Enc. D-149

Register.

CCPY.

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, August 24, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Peter Hudson et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Heesen, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah, Ezra, Elmore, Will, Gracie, Frances and Berry Ward, Malinda, Maurice, and Delois Williams as Cherokee freedmen.

Respectfully,

T. C. McCallum.

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-180

Refer in reply to
the following:
Land.
55270-1904

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

April 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated March 4, 1902, transmitting the record relative to the applications of Peter Hudson, et al, for enrollment as Cherokee Freedmen.

Peter Hudson applied for enrollment of himself; William Hudson for the enrollment of himself, his wife Eliza and their children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson; Peter Ward for himself, his wife Louisa, and his grand-child, Eva Ward; Abraham Ward for himself and his son, Artes Ward; Ben Ward for himself, his wife, Sarah, and their children, Vannie, Martha, Clarence, Neal, and Myrtle Ward; Squire Ward for himself and his minor children, Joseph, Jennie, and Eliza Ward; Sadie Ward for herself; David Ward for himself; Nancy Ward for her husband; George Ward and others who are differently classed and not included in the Commission's decision; Alonzo Ward for himself and his children, Savannah, Mary, and Minerva Ward and for his wife, Mahala, as an unmarried freedman; Will Will Ward for himself and children, Gracie and Frances Ward; Berry Ward for himself

(2)

Lena Ward for herself and child, Roxie Beeson; Malinda Williams for herself and her children, Monroe and Delois Williams.

The right of intermarried citizens of the Cherokee Nation to enrollment not having been determined, the Commission did not pass upon the application for the enrollment of Mahala Ward. In a decision dated July 10, 1903, the Commission found that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward and Roxie Beeson are entitled to enrollment as freedmen, and the other parties to this consolidated case are not entitled to enrollment as such. The evidence in the case shows that Peter Hudson was at the commencement of the late Civil War a slave of Susie Hudson, a citizen of the Cherokee Nation. He went to Kansas during the war, but the evidence satisfactorily establishes that he returned to the Cherokee Nation and took up his abode therein during the year 1866. He is, therefore, entitled to enrollment.

William Hudson is the son of Peter Hudson and Charity Hudson, deceased. His status is the same as that of his father, and it necessarily follows therefore that he is entitled to enrollment, as are also his minor children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson. His wife, Eliza Hudson, nee Ward, claims that she is entitled to enrollment as a freedman. She is the daughter of Abraham and Caroline Ward, the latter of whom is deceased.

Abraham Ward is the son of Peter Ward. It becomes necessary, therefore, to ascertain whether Abraham Ward by himself or through

(3)

his father was the slave of a citizen of the Cherokee Nation, and if so, whether he left the Nation and returned within the time limit fixed by the treaty of 1866. Abraham Ward claims to have been the slave of Jim and Eliza Ward, citizens of the Cherokee Nation. He says that in 1862, after he had been liberated, he went into the Union Army, General Hunt's Division, as a body servant. In June 1901, he testified that he was 55 years of age, therefore, he was born in 1846, and was 16 years of age in 1862. The record in the case does not show that he returned within the time limit fixed by the treaty, therefore, Abraham Ward, and his son Artes, are not entitled to enrollment, and neither is his daughter, Eliza, who is now the wife of William Hudson, unless they are entitled to enrollment by reason of the status of Peter Ward, father of Abraham Ward.

The record shows that Peter Ward was the slave of George Ward, a Cherokee citizen. He went to Mound City, Linn County, Kansas, during the war, and claims to have returned during the year 1866. The preponderance of the evidence, however, shows that he did not return prior to April 11, 1866, and he is not entitled to enrollment as a Cherokee Freedman, neither is his grand-child Eva, unless it be by reason of descent from her grandmother, Louisa Ward, or the persons ^{mentioned} in the Abraham Ward group.

From the record it appears that Louisa Ward, wife of Peter Ward, moved from the state of Georgia, with her husband, to the Cherokee Nation. They appear to have been the slaves of George Ward, a Cherokee. She went to Kansas at the time Peter Ward did and returned at the same time. Her status is, therefore, the same as that of Peter

Ward, and she is not entitled to enrollment, neither is her grandchild, Eva Ward by reason of descent from her or any of the persons mentioned in the Abraham Ward group by reason of such descent.

Ben Ward is the son of Peter and Louisa Ward. He testified that on June, 1901, he was 43 years of age. He was born therefore in 1858. His father claims to have been the slave of George Ward, and he claims to have been the slave of Jim Ward. The record shows that he went to Kansas with his father and returned at the same time. He did not return within the time limit fixed by the treaty and is not entitled to enrollment. His wife, Sarah Ward, is the daughter of Peter Hudson and her right to enrollment and the right of her minor children, Vannie, Martha, Clarence, Neal, and Myrtle Ward, depends upon their descent from him.

The record shows that Peter Hudson and the members of his family returned to the Cherokee Nation prior to the expiration of the time limit fixed by the treaty of 1866, and the applicants last mentioned are, therefore, entitled to enrollment.

Squire Ward is the son of Peter Ward. He testified in June, 1901, that he was "Forty some odd years" of age. Squire Ward, Joseph, Jennie, and Eliza Ward, are not, as heretofore shown with reference to Peter Ward, entitled to enrollment as freedmen by reason of descent from Peter Ward, as the members of Peter Ward's family did not return to the Cherokee Nation prior to February 11, 1867.

Mary Ward, nee Mays, deceased, the record shows, was the daughter of David Mays, and the mother of minor applicants Joseph, Jennie, and Eliza Ward. It is plain that she was a slave in the Cherokee Nation and "belonged to the Whites." From the record the

(5)

minor applicants last mentioned do not appear to be entitled to enrollment by reason of their mother being a Cherokee Freedman, or by reason of descent from their grandfather, David Mays.

Sadie Ward is the daughter of Squire Ward, son of Peter Ward. Squire Ward and Peter Ward not being entitled to enrollment, it follows that Sadie Ward is not entitled to enrollment. David Ward is the son of Peter Ward. He was 39 years of age in June, 1901, and his status is the same as that of his father. He is not, under the record, entitled to enrollment as a Cherokee Freedman.

George Ward, for whom Nancy Ward applied, testified in May, 1901, that he was 36 years of age. He is the son of Peter Ward and if he has any right to enrollment as a freedman it is by virtue of the status of his father. His father not being entitled to enrollment, for the reason that he did not return to the Cherokee Nation before February 11, 1867, applicant George Ward is not entitled to enrollment.

Alonso Ward is a son of Abraham Ward, who is a son of Peter Ward. In June, 1901, he testified that he was 36 years of age. He was born after the close of the war, and the record shows that his father, Peter Ward, and the members of his family, did not return to the Cherokee Nation within the required time. Alonso Ward and his children, Savannah, Ezra, and Elara, are not, therefore, entitled to enrollment as Cherokee Freedmen, and as heretofore stated his wife, Mahala Ward, applied for enrollment as an unmarried citizen, and the Commission has not yet passed upon her rights, if any she has.

(6)

Will Ward is a son of Abraham Ward and grandson of Peter Ward. For the reasons hereinbefore stated, Will Ward and his children, Gracie, and Frances, are not entitled to enrollment by reason of descent from Abraham Ward and Peter Ward. Bell Ward, mother of the two minor applicants last named, is "a state woman," and said applicants are not entitled to enrollment by reason of descent from her.

Berry Ward is a son of Abraham Ward and grandson of Peter Ward. In June, 1901, he testified that he was 23 years of age. Consequently, he was born since the close of the war. His father and grandfather not being entitled to enrollment as Cherokee Freedmen, it follows that he is not entitled to enrollment.

Lena Ward is a daughter of Ben Ward and his wife, Sarah Ward, nee Hudson. Sarah Ward is the daughter of Peter Hudson who was a slave of a Cherokee citizen at the commencement of the war. Peter Hudson left the Cherokee Nation during the war, but returned within the time limit fixed by the treaty of 1866, and is, himself, entitled to enrollment.

Lena Ward, the record shows, was born about 1881, within the limits of the Cherokee Nation. Her mother, Sarah Hudson, being entitled to enrollment and she having lived within the limits of the Cherokee Nation all of her life, is entitled to enrollment as a Cherokee Freedman, as is also her minor child, Rexie Beeson. From the record it appears that William Beeson is the father of Rexie Beeson.

Malinda Williams is the daughter of Abraham Ward and the

(7)

granddaughter of Peter Ward. As she was only 20 years of age in 1901, and as her father, Abraham Ward and her grandfather, Peter Ward, are not entitled to enrollment, she is not entitled to enrollment, and her minor children, Monroe and Deleis Williams, are not entitled to enrollment by reason of descent from her.

William Williams, the record shows, is the father of these children. He is not a Cherokee Freedman and the children are not, therefore, entitled to enrollment on account of the status of their father.

In view of the foregoing it is respectfully recommended that the decision of the Commission of July 10, 1903, wherein it is held that Peter, William, Hest, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Earl, Myrtle, and Lena Ward, and Roxie Beeson, are entitled to enrollment as Cherokee Freedmen, and that the other parties to the case, whose applications they passed upon, are not entitled to enrollment as Cherokee Freedmen, be approved.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

GAW-D

D C 14391-1904.

COPY

WCF

I.T.D. 3254-1904. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

FHE

April 29, 1904.

Commission to the Five Civilized Tribes,
Muskeges, Indian Territory.

Gentlemen:

On August 24, 1903, you transmitted the record in the consolidated Cherokee Freedmen case of Peter Hudson (D-404), et al., including your decision of July 10, 1903, granting the application for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Benson, and rejecting the application for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squires, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah, Ezra, Elmore, Will, Gracie, Frances and Berry Ward, and Malinda, Monroe and Delois Williams.

Reporting April 15, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

It appears that the original application included the name of Mahala Ward, for enrollment as a Cherokee Freedman by intermarriage. In your decision you did not pass upon her rights as such.

Your decision as to the applicants included therein, is approved. The record is returned herewith, and it is desired that you

-2-

render a decision as to the rights of Mahala Ward, who applies for enrollment as a Cherokee freedman by intermarriage.

Respectfully,

(Signed) Thos Ryan,

2 inclosures.

Acting Secretary.

Cherokee Freedmen
D-885.

Muskogee, Indian Territory, May 11, 1904.

Sadie Ward,

Centralia, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, May 11, 1904.

F. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neul, Myrtle and Lena Ward and Roxie Reason, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Fadio, David, George, Will, Gracie, Frances, Perry, Peter, Louisa, Eva, Abraham, Arto, Alonzo, Savannah, Kara and Elvora Ward, Malinda, Monroe and Delois Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-604.

Muskogee, Indian Territory, May 11, 1904.

Eager Smith,

Attorney for Peter Hudson et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Marie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Harry, Peter, Louise, Eva, Abraham, Artie, Alonzo, Savannah, Rava and Kinora Ward, Malinda, Monroe and Delois Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman

(COPY)

D.C. 33318

Visita. I. T. August 4, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Washkege I. T.

Dear Sir:

In re:

Motion for rehearing in the matter of the application for the enrollment of Peter Hudson, et al, as Cherokee Freedmen, consolidating the applications of

Peter Hudson, C. F. D. 604,
William Hudson et al C. F. D. 605,
Peter Ward et al C. F. D. 618,
Abraham Ward, et al, C. F. D. 607,
Ben Ward, et al, C. F. D. 616,
Squire Ward, et al, C. F. D. 615,
Sallie Ward C. F. D. 603,
David Ward C. F. D. 619,
George Ward, C. F. D. 475,
Alonso Ward C. F. D. 606,
Will Ward et al, C. F. D. 610,
Berry Ward C. F. D. 611,
Lena Ward et al, C. F. D. 1117,
Malinda Williams, et al C. F. D. 612,

wherein we filed a motion prior to June 28th 1906, for a rehearing in behalf of some members of the Ward family in this case.

We desire to state that on account of the limited time allowed us in which to investigate this case we did not have the opportunity to go into it as thoroughly as we desired and since the motion was filed we have made a thorough examination of this case both in Kansas and in the Cherokee Nation and after a thorough investigation of the case we find that from the standpoint of the applicants, if a rehearing was granted us in this case we would be unable to add any strength to the applicants side of the case.

Abraham Ward informs us that he took his wife to Kansas with him and she did not return until he did and that Amanda Williams certainly must be mistaken. We had Amanda Williams on the stand recently in the Court here and she stated she was born before the war but declared that she was just 24 years of age. Abraham Ward also advises us that he did make a trip down to the Nation in the fall of 1866 together with his father and brothers but did not remain here and that they thought that was a compliance with the treaty and that they did not come again until in the Spring of 1867. The records in Kansas and book accounts at the stores there show them as trading up there for some time after February 11 1867 and the best citizens around Wound City who have not testified in the case advise us that they remember that the Wards were there some time after the 11th day of February 1867, and the people we first interviewed say after thinking the matter over carefully that Peter Ward's sons came back to Kansas with him after they visited the Cherokee Nation in the Fall of 1866. The marriage records show a number of them married up in Kansas in 1866 and in 1867.

In view of the situation as we find it and of what Abraham Ward himself now tells us, we do not believe any strength can be added to the applicants case if a rehearing was granted and therefore the motion filed by us in these cases may be dismissed so far as we are concerned or if not in your jurisdiction to dismiss it then we would consent that you recommend that it be denied by the Department.

If motions have been filed by any other Attorneys of course we would have nothing to do with them.

We have just completed a very thorough investigation of this case and have interviewed every person of any prominence around Wound City Kansas who could know anything about the case and after this thorough investigation we deem it our duty to lay this matter before you in the manner that we have so that you might take such action as you deem proper in the case.

Respectfully,

Starr & Patten

Muskogee, Indian Territory, August 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On April 29, 1904 (I.T.D. 3254-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated July 10, 1903, in the Cherokee freedmen consolidated case of Peter Hudson, et al., B 604, et al., wherein the applications for enrollment as Cherokee freedmen of Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abraham Ward, Arden Ward, Ben Ward, Senire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Sadie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elmera Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Melinda Williams, Monroe Williams and Belle Williams, are rejected. On June 23, 1904, there was filed with this office by Starr and Patten of Vinita, Indian Territory, a motion for rehearing of said case, insofar as it rejected the above named applicants, to which motion a reply of the Cherokee Nation was filed on July 24, 1904.

In their letter to this office of August 4, 1904 Starr & Patten state that after further investigation of the case they find that they would be unable to add any

Secretary-2

strength to the applicants' side of the case if a rehearing was granted, and, for reasons stated in their letter, they consent that their motion for a rehearing of said case shall be dismissed. Said motion for rehearing, the reply thereto by the Attorney for the Cherokee Nation, and a copy of the letter of Starr & Patten of August 4, 1906, are enclosed herewith, and in view of the statements contained in said letter, it is respectfully recommended that the motion be dismissed.

There was also filed with this office on June 25, 1906, by Thomas A. Foreman, attorneys, Muskogee, Indian Territory, a motion for rehearing of the applications of "Will Ward and his four minor children and of Alenno Ward and his three minor children, for enrollment as Cherokee freedmen citizens of the Cherokee Nation."

The record shows that the application of Will Ward for the enrollment of himself and minor children, Gracie and Frances Ward, as Cherokee freedmen, is included in the above mentioned case, and the records of this office fail to show that an application has been made for the enrollment of any children of his other than those two. The application of Alenno Ward for the enrollment of himself and minor children, Savannah, Sara and Minerva Ward as Cherokee freedmen, is included in the above named case.

Secretary-3.

The reply of the attorney for the Cherokee Nation to this motion was filed with this office July 17, 1906. There is no claim in this motion as to the discovery of new evidence, or as to the nature of the evidence sought to be introduced at a rehearing, and why it could not be secured, with due diligence, when the case was heard before the Commission, nor is it shown that the motion is not made for the purpose of delay. Said motion and the Nation's reply are also enclosed, and it is respectfully recommended that the same be denied.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Cherokee Freedmen
R 261 et al.

Muskogee, Indian Territory, August 18, 1906

Starr and Patten,

Attorneys for Peter Hudson , et al.

Vinita, Indian Territory.

Gentlemen:

Receipt is acknowledged of your letter of August
4, 1906, referring to a motion for rehearing in the
Cherokee freedman consolidated case of Peter Hudson et al.
The contents of said letter have been duly noted.

Respectfully,

L M B

Commissioner

Land
72347-1906

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 28, 1907.

The venerable,

The Secretary of the Interior.

Sir:

Referring to Departmental Letter (I.T.D. 3254-1904), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated August 16, 1906, transmitting the motions for rehearing together with the replies of the Cherokee Nation relative to the application of Peter Hudson, et al., for enrollment as Cherokee freedmen.

On June 25, 1906, Starr and Patten, attorneys for the applicants, filed a motion for rehearing in the consolidated case of Peter Hudson, et al., in which the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the applications for the enrollment of Peter, Louise, Eva, Abraham, Arden, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah, Ezra, Elmore, Will, Gracie, Frances, and Harry Ward, Eliza Hudson, Malinda, Maurice, and Delois Williams as Cherokee freedmen, was approved by the Department on April 29, 1904 (I.T.D. 3254).

On July 24, 1906, a reply to this motion was filed by W. V. Hastings, attorney for the Cherokee Nation,

On August 4, 1906, Starr and Patten informed the Commissioner by letter that they desired their motion for rehearing dismissed as they had no further testimony to offer on behalf of the applicants which would strengthen their case. A copy of this letter is enclosed.

The Office concurs in the recommendation of the Commissioner that the motion above referred to, be dismissed.

On June 25, 1906, Thomas and Foreman, attorneys, filed a motion for rehearing in the matter of the application of "Will Ward and his four minor children and of Alenno Ward and his three minor children, for enrollment as Cherokee freedmen."

The application of Will Ward for the enrollment of himself and his minor children, Gracie and Francis Ward, as Cherokee freedmen is included in the case of Peter Hudson, et al., above referred to. The Commissioner reports that he is unable to find any record of an application for the enrollment of any other children of Will Ward than those above mentioned. The application of Alenno Ward for the enrollment of himself and his minor children, Savannah, Kara and Kinara Ward as Cherokee freedmen, is also included in the case of Peter Hudson, et al.

The reply of the Cherokee Nation was filed on July 17, 1906.

As the motion for rehearing does not show that new evidence has been discovered, or that the motion is made for any

other purpose than that of delay, the Office concurs in the recommendation of the Commissioner that the motion be denied.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

HRD-C

D.O. 7700-1907

Y.P.

I.T.D. 1845-1907.
LRS

DEPARTMENT OF THE INTERIOR, THE
WASHINGTON.

February 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing in the Cherokee freedmen case of Peter Hudson, et al., received with your letter of August 14, 1906, and Indian Office letter of January 23, 1907 (Land 72347-06), are denied, in accordance with the recommendations made by you and the Indian Office. A copy of the Indian Office letter is inclosed.

The papers in the matter have been returned to the Indian Office for its files.

Respectfully,

Timothy Rynn.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 6 for Ind. Of.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

(COPY)

LAWS
12132-1907
21308- "

March 2, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith motion for review and re-hearing of Departmental Decision of February 4, 1907, in denying motion for re-hearing in the Cherokee freedmen case of Peter Hudson, et al., filed in this Office by Kappler & Harillat, attorneys for Will Ward and his children, who are parties applicant in the consolidated freedmen case of Peter Hudson, et al.

The motion alleges that an injustice has been done the parties in this case, for the reason that their interests have been consolidated with other interests, which are not supported by sufficient testimony, and that these applicants have lost a just right to enrollment by reason of their case having been consolidated with the case of others, and particularly with reference to Abraham Ward.

The motion is supported by affidavits of Cherokee Indians by blood, and others. The Office is of the opinion that the motion should not be granted at this time, and it is therefore recommended that it be denied.

The record in the case is enclosed herewith.

Very respectfully,

G. H. Larned

Acting Commissioner.

(COPY)

D.C.13299-1907.

DEPARTMENT OF THE INTERIOR,

Y.P.

I.T.D.7834-1907.

WASHINGTON.

LLB

L.R.S.

March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing of the Cherokee freedman case of Peter Hudson et al., filed in the Indian Office by attorneys for applicants, is hereby denied, as recommended by that office in letter of March 2, 1907 (Land 21308), copy inclosed.

The papers in the matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock.

1 inc. and 3 to Ind. Of.

Secretary.

J.M.F. 3/4/07.

Cherokee F.
R 286.

Muskogee, Indian Territory, April 1, 1907.

Sadie Ward,

Centralia, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by your attorneys, Kappler & Merillat, for a rehearing of your Cherokee freedman enrollment case, was denied by the Secretary of the Interior, March 4, 1907.

Respectfully,

Acting Commissioner.

LMC

Cherokee F
R 282.

Muskegee, Indian Territory, April 1, 1907.

Kappler & Merrillat,

Attorneys for Peter Ward, et al.,

Washington, D. C.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

Encl.C-102
LMC

Cherokee V
R 282.

Muskogee, Indian Territory, April 1, 1907.

W. V. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a re-hearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

E. D. Rodgers
Acting Commissioner.

Encl. C-104
LMO

Cherokee F
R 286.

COPY

Muskogee, Indian Territory, March 7, 1907.

Sadie Ward,

Centralia, Indian Territory.

Dear Madam:

You are hereby advised that the motion for rehearing in your Cherokee freedman enrollment case was denied by the Secretary of the Interior February 4, 1907.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

HJC

Cherokee v
R 261 et al.

COPY

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing filed in the Cherokee Freedmen enrollment case of Peter Hudson, et al., was denied by the Secretary of the Interior February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-64.
HJC

SIGNED *Tam Bixby.*
Commissioner.

Cherokee F
R 281 et al.

COPY

Muskogee, Indian Territory, March 7, 1907.

Starr & Patten,

Attorneys for Peter Hudson, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion for a rehearing filed in the Cherokee freedmen enrollment case of Peter Hudson, et al., was denied by the Secretary of the Interior February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Tams Bixby*.

Commissioner.

Encl. HJ-85
HJC

Cher. Fr. R. 287

Cher. Fr. R. - 287

See Cher. Fr. R 283

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsoa, I.T., June 8, 1901.

In the matter of the application of David Ward for enrollment
as a Cherokee Freedmen.

Appearances:

Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation;

David Ward, being duly sworn and examined by Commissioner
Needles, testified as follows:

Q What is your name? A David Ward.
Q What is your age, Dave? A I don't know exactly how old I am,
about 39.
Q What is your post office? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself;
my wife enrolled yesterday.
Q What is your father's name? A Peter Ward.
Q Is he alive? A Yes, sir.
Q Have you a brother named Abram Ward? A Yes, sir.
Q Where were you born, Dave? A Born in the Cherokee Nation.
Q Always lived in the Cherokee Nation? A Yes, sir.
Q Your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls? A It is on the Wallace roll and
the Clifton roll.

Mr. Mellette: Were you a born slave? A Yes, sir.
Q Do you recollect when you were taken out of the Cherokee Nation
during the war? A Why I was taken out yes, sir.
Q You don't recollect it? A No, sir, I was too young.
Q You can recollect when you came back? A Yes, sir.
Q What year did you come back? A In '66.
Q Then you came with with your father and brother and families?
A Yes, sir.
Q That year? A Yes, sir.
Q Mr. Hastings: You remember it? A I remember what they said to
me.

Q You lived here ever since you came back here? A Yes, sir.
Q All the time in the Cherokee Nation? A All the time.
Q Never worked out in Kansas since you came? A Worked a little.
Q Ever marry up there? A No, sir.
Q Where did you marry? A Married here in the Cherokee Nation.
Q How long ago? A Keen about, going on 6 years ago.

The 1880 authenticated roll of Cherokee Freedmen examined
and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the
applicant not identified thereon.

The Kern-Clifton roll examined, and the applicant identified
thereon, page 126, No. 3151, Cooweescoowee district, as Dave
Ward.

The Wallace roll examined and the applicant identified
thereon, page 152, No. 3171, Cooweescoowee district, as David
Ward.

Commissioner: What is your wife's name? A Catherine.
Q What was her name before you married her? A Catherine Whitmire
before I married her.

Q She has been enrolled has she? A Yes, sir.
Mr. Hastings: Where were you, living in Kansas after you went back
up there? A All they said it was Lynn County, I don't know.
Q Didn't you go back up there after you came down here? A Why I

David Ward - 2.

made a trip back up there I believe once.

Q How long did you stay? A I di n't stay any ne time.

Q When you married, you married this present wife? A Yes, sir.

Q This is your first wife? A Yes, sir.

Q You are her first husband? A I am ~~her first husband~~ not her first husband, Whitmire is her first husband.

Q What was his name? A Jess.

Q Was he dead when you married her? A No, sir.

Q You don't know whether he was divorced from her or not? A I suppose so.

Q You don't know that? A No, sir.

Abram Ward, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Abram Ward.

Q Is the applicant your brother? A Yes, sir.

Q Do you know he returned to the Cherokee Nation with your party?

A With me and father, he was small.

Q Yourself and Peter Ward? A Yes, sir.

Q Peter is the same Peter Ward who has this day made application for enrollment? A Same one.

Q And you are the same Abram Ward who has made application for enrollment? A Yes, sir.

Q Was this applicant born a slave? A Yes, sir, just a while before the war.

Q Who was his master? A Jim Ward, same one I beloged to.

Q Was he a Cherokee citizen? A Yes, sir.

Q Who owned him at the time of the breaking out of the war?

A Jim Ward.

Commissioner: David Ward applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He avers that he is the son of Peter Ward, and he is duly identified upon the Kern-Clifton roll and the Wallace roll, according to page and number of the roll as indicated in the testimony, and makes satisfactory proof of residence. He also avers that he is a brother of one Abram Ward, who is listed for enrollment this day on D card 607, and the testimony taken in the case of the said Abram Ward will be ~~linked~~ made part of the record in the case at bar, and a copy of the same filed herewith. Consequently, said David Ward will be listed for enrollment as a Cherokee Freedman on a doubtful card, and will be notified by mail of the decision of the Commission when the same is arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 15th of June, 1901.

Bruce C. Jones
Commissioner

Commissioner.

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"houses," "petting girls' school," and just as representative of

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STEWART, T. B. Hooper,

and copyrighted notice are put on the top of your 1801

STEWART, BRUCE C. JONES

of the Department of the Interior, Bureau of Land Management, Washington, D.C. 20246.

in the space between the two columns, and the columns are

1. The Commission has the honor to acknowledge the receipt of the letter of the 10th of March, 1900, from the Honorable Secretary of the Interior, Department of the Interior, Washington, D. C., in relation to the proposed extension of the public lands of the United States.

THE

the Commission is not to be notified by mail as in the case of a complaint of a violation of the Commission's rules.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 12 1906

David Ward C. F. 10 619

Mellietto & Smith, for applicants
W. W. Hastings for the Cherokee Nation -

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8th, 1901.

In the matter of the application of Abraham Ward for the enrollment of himself and one child as Cherokee freedman, he being sworn by Commissioner W. B. Needles, testified as follows:

- Q What is your name? A Abraham Ward.
Q How old are you? A 55.
Q What is your postoffice address? A Wymer.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A One boy Artes Ward.
Q How old is he? A 15 years old.
Q Are you a recognized Cherokee freedman? A In part I am.
Q Is your name on the 1880 roll? A No sir.
Q Is it on any of the rolls? A The Kern Clifton and on the Wallace roll.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kern Clifton roll examined and the names of the applicants found thereon as follows:

Page 125, No. 3117, Abraham Ward, Cooweescoowee district.

Page 125, No. 3124, Artes Ward, Cooweescoowee district.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 152, No. 3162, Abraham Ward, Cooweescoowee district.

- Q Where were you born? A On Bates' prairie.
Q In the Cherokee Nation? A Yes sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Jim and Eliza Ward.
Q Were they Cherokee citizens? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A No, sir, after I was liberated I went into the Government service.
Q Where did you go? A In '68 I went into the Union Army.
Q What regiment? A Blount's Division.
Q Where did you enlist? A I didn't enlist, I was working for the officers, body servant.
Q Where did you go? A Went to Camp Hill, Arkansas, waited on the officers and after that I drove a Government team.
Q When did you return to the Cherokee Nation? A In the spring of '66.
Q Have you lived here continuously ever since? A Yes sir.
Q Are you married? A Yes sir but my wife is dead.
Q Who was the mother of Artes? A Caroline.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A The Adams.
Q Is her name on the 1880 roll? A No sir.
Q Was her name Caroline Adams before you married her? A Yes sir.
Q When did you marry her? A In '55.
Q Where? A Up in Kansas.
Q Did you return with her? A Yes sir, I came to here and then went back in the fall and brought her.
Q How much of a family did you have then? A Three, and my children were born here.

Q Did you live with Caroline until her death? A Yes sir.

Q Who were your owners? A Jim and Louisa Ward.

Q And they were Cherokee citizens were they? A Yes sir.

By Mr. Mellette:

Q Have you a place on the Public Domain of the Cherokee Nation?

A Yes sir.

Q How long have you owned it? A Since '66.

By Mr. W. W. Hastings: The above question as to owning a place is objected to by the representatives for the Cherokee Nation because it does not tend to prove the issue.

By Mr. Mellette:

Q You have never lived out of the Cherokee Nation since your return in '66? A No sir.

By Mr. Hastings:

Q Your father was Peter Ward? A Yes sir.

Q Are you his son? A Yes sir.

Q Are you his oldest son? A Yes sir.

Q You went to Mound City Kansas didn't you? A Yes sir after I quit driving Government teams.

Q That is in Linn County? A Yes sir.

Q Do you know Gusky Brown? A Yes sir.

Q Did you see him in Kansas? A Yes sir.

Q What year did you see him there? A I think it was in '67.

Q You knew Joe Ward? A Yes sir we was raised together.

Q He was your young master? A Yes sir.

Q You saw him in Kansas too didn't you? A Yes sir in '66 when I was driving a Government team he come to our house.

Q Was that after or before the war closed? A Same year that the war closed, I saw him in Mound City and he went up to my father's house. I was living with my father.

Q You were not married then? A No sir, married directly after.

Q What year did you marry? A In the fall of '66, after he was up there.

Q How old is your oldest child? A He is 32 I think it is according to my judgment.

Q What time in the year was that oldest child born? A In September

Q Was he 32 last September or this coming September? A This coming September.

Q That is your best judgment? A Yes, sir.

Q Did you come back with your father, Peter Ward? A No sir not the first time I come.

Q Didn't you testify before that you come back with your father?

A No sir, I went to Fort Gibson the first time and the next time I come down with him.

Q How long after that did you come down again with your father?

A The same year, I come to Fort Gibson in the spring and come back to Kansas and back here again in the fall, with my father.

Q You had married then? A Yes sir.

Q You come down the last time in November? A Yes sir.

Q The same with you that first time? A Yes Monday or Tuesday.

Q Come through on horse back? A Yes sir.

Q How long did you stay there? A Stayed a considerable time, had him riding there.

Q What? A Peter Ward and Dr. May.

Q Tell how long did you stay there? A About a month or so.

Q How long after that did you come with your father? A In November

Q You located somewhere there last time? A Yes sir, but I was on

Q What place? A Well I was down Fort Gibson to Kansas the first time.

Q How far did you ride from there? A I, to be in miles.

Q What direction from the mouth of Snow Creek? A Northeast.
 Q How far from the Kansas line? A About 3 miles south.
 Q Who was living there in that country then when you went through from Fort Gibson to Kansas? A Sam Webber, George Meigs, Peter Meigs, old man Sam Webber.
 Q Had they houses there then? A Yes sir.
 Q Had they made a crop of corn that year? A Not much, there was a drought there, that was when I went up the first time.
 Q What time was it when you went up? A In August.
 Q Did Sam and his daddy have a crop of corn in? A Not much, sort of a patch.
 Q That was in '87? A No sir.
 Q Your young master Joe Ward testified that he saw you there in '87? A I was traveling up there through that country and saw him the year of the war closing, because he went to my house with me.
 Q Did you ever see Will and John Ward or any of your young masters since the war? A Yes sir.
 Q Where? A On Big Creek.
 Q When? A I had been there about two years.
 Q Did you locate right on the place where you now live? A Yes sir.
 Q And have lived there ever since? A Yes sir.
 Q Is your father living? A Yes sir.
 Q He lived there with you? A Yes sir.
 Q What Cherokees are living along there? A Albert Morris.
 Q Was he living there when you come? A No sir.
 Q How far was Jim Martin living from there when you come there? A No sir, he was not living there and the Delawares were not living there either then.
 Q You anticipated that question didn't you? A I know they was not living there then.
 Q What made you answer that question before I had asked it? A I heard some of the people saying that they was up there then and I am telling you right, I thought it was wrong and I was going to tell you about it.
 Q Where did you get anything to eat when you got it from these Webbers and Sanders? A I brought some along with us.
 Q Do you know Jess Brown and Tom Brown? A Yes sir.
 Q They were up in Kansas looking after some pension matters weren't they? A I don't know.
 Q Was Sam Webber living in a house up there? A Yes sir.
 Q Who did you stay all night with up there? A With Peter Meigs.
 Q That was in August? A Yes sir.
 Q 1888? A Yes sir, latter part of August.
 Q Did old Peter Meigs have a son then? A Yes sir a little one.

By the Commissioner:

Q Why is your name not on the 1888 roll? A I don't know, the census taker didn't come there.

Q Did you ever apply to have your name enrolled? A Yes sir, the census taker came there several times and I went there and tried it and came back and said that it was not necessary to go down there as the man was enrolling the people.

A. J. BARKER, called and sworn as a witness before Com'r T. B. Barker, testified as follows:
 Q What is your name? A J. B. Barker.
 Q What is your age? A 32.

Q What is your postoffice address? A Claremore.
 Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A I got acquainted with him in the fall of '66.
 Q Do you know if he was a slave? A No sir I dont.
 Q Where did you see him in the fall of '66? A At Fort Gibson.
 Q Have you known him ever since that time? A I saw him after I moved up here to Cooweescoowee.
 Q How did you happen to see him in Fort Gibson in '66? A He come to Annida and Ruthe Adairs and was going to take them away and I asked him what he was going to do with them, and he said he was going to take them to his people.
 Q You had never seen him before that? A No sir, he was a stranger to me then.

By W. W. Hastings:
 Q He was a stranger to you in '66? A Yes sir.
 Q You had never seen him before that? A No sir.
 Q You didn't witness for him before the Kern Clifton Court did you?
 A No sir.
 Q Do you know how long he staid in Fort Gibson that time? A No sir I dont.
 Q What time did you see him there? A In the fall.
 Q What time in the fall? A First part of September or the last part of August, somewhere along there.

By the Commission:
 Q How did you know it was in '66? A Because I was living right there and notices all the girls that come in there.
 Q You was a young man then? A Yes sir.
 Q You was a government officer also wasn't you? A Yes sir.

SAM WEBBER, called and sworn as a witness by Com'r Needles, testified as follows:

Q What is your name? A Sam Webber.
 Q How old are you? A 58.
 Q What is your postoffice address? A Nowata.
 Q Are you a recognized Cherokee Freedman? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A Got acquainted with him in Kansas during the war.
 Q During the war? A Yes sir, time of the war.
 Q Do you know when he returned to the Cherokee Nation? A In the fall of '66 was when I first remember seeing him in the Nation.
 Q Where did you see him? A On Big Creek.
 Q He came up there to live? A Yes sir.
 Q Did he have his family there with him? A Yes sir he had his family with him.
 Q Did you know if he was a slave in the Cherokee Nation before the war? A Only what he told me.

Q Have you known him ever since? A Yes sir.
 Q Has he lived in the Cherokee Nation continuously ever since?
 A Yes sir.

By W. W. Hastings:
 Q He settled there right in the fall of '66? A Yes sir, frost was falling.

Q How long before had you and your family been there? A Not long, I moved down there a short time before that.

Q About how long before that? A I cant just tell, not a great while.

Q A month? A Must have been a month, I don't remember exactly.
 Q Are you prepared to swear positively that all these people came

down there 35 years ago, in '66? A Yes sir all those I am acquainted with that come.

Q How far did this man live from you then? A 4 miles.

Q He has lived there ever since? A Yes sir.

Q You know he was living there in '67? A Yes sir.

Q You know he was living there in '68? A Yes sir.

Q You are willing to swear that he has continued to live there continuously ever since '66? A Yes sir.

Q Did you know his father? A Yes sir.

Q What was his name? A Peter Ward.

Q How come with his father did not? A Yes sir they came together.

Q And settled in the same neighborhood? A Yes sir.

Q What place in Kansas did you come from? A Linn County, same place they come from.

Q Mound City? A Yes sir.

Q Did you know them there? A Yes sir.

Q Did you go back up there directly after you come down here and settled? A No sir.

Q Did you go back there in '67 or '8? A No sir.

Q Was this man married when he come down there? A Yes sir.

Q Was his wife with him? A Yes sir.

Q How many children did he have then? A I can't tell you how many he had, but he must have had as many as two or three. I can't tell.

Q Did he have any? A If he did, I don't know it.

Q You know he was married though? A Yes sir.

Q Did he live with his father when they first come there? A They both camped there close together.

Q Did they make separate homes? A Yes sir.

Q Had you made a crop there when he come? A No sir.

Q None of you had crops in then did you? A No sir, couldn't, hadn't been there long enough.

Q About how far did they locate from the Kansas line? A I don't hardly know.

APPLICANT recalled and examined by W. F. Hastings:

Q You saw Will and John Ward directly after Will got into trouble did you? A Yes sir I saw Will, he come to my house.

Q You had a talk with him? A Yes sir.

Q You told him where you had been? A No sir, not exactly as to where I had been.

Q Talked about old slavery times? A Yes sir.

Q Told him when you had come back? A No sir that question was not asked.

Continuation of the above deposition recorded by B. C. Jones.

Chas. van Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his report, which is so stated therein.

Witnessed, Chas. van Weise.

Subscribed and sworn to before me this 10th day of June, 1901, at Nowata, I.T.

Signed, W. F. Hastings.

Commissioner.

(Continued from testimony taken by Special Agent Chas. van Weise, June 8, 1901.)

Witnessed, being duly sworn and examined by Commissioner Hastings, recorded as follows:

Q What is your name? A George Meigs.

Q What is your age? A I don't know exactly, about sixty some odd.

Q What is your postoffice? A Tinsler.

Q Are you a recognized Cherokee Freedman? A Yes sir.

Q Your name on the 1880 roll? A No, sir.

Q You made application to be enrolled? A Done been enrolled, all excepting two witnesses.

Q Do you know Abram Ward, the applicant here? A Yes, sir.

Q How long have you known him? A Ever since he moved on Big Creek.

Q Do you know whether he was a slave before the war? A Yes, sir, he was a slave.

Q Who did he belong to? A Belonged to a man they called George Ward.

Q Do you know whether he went out of the Cherokee Nation during the war or not? A Yes, sir.

Q Where did he go? A Went up to Fort Scott.

Q Did you see him? A No, sir, I just met him up there.

Q Do you know when Abram Ward, the applicant, returned to the Cherokee Nation? A Why I don't know exactly.

Q When was the first time you saw him after the war? A Why it was in the fall of '66.

Q Where did you see him then? A On Big Creek.

Q Was he living there? A Well, he has been there ever since.

Q Was he living there then? A When I saw him, why he just came.

Q Did he have a family with him when he came? A Yes, sir.

Q How many children did he have? A Well, I can't hardly tell you.

Q Have his wife? A Yes, sir.

Q Was he camping there, or had he built a house? A Well, he came in and camped, and built a house.

Q Have you known him since that time? A Yes, sir.

Q Has he always lived in the Cherokee Nation since '76, to your knowledge? A Yes, sir.

Q You were taken out during the war, were you? A Yes, sir.

Q Did you return with Abram Ward? A I returned just a little before he did.

Q You saw him here in '66 in the fall? A Yes, sir.

Q Mr. Hastings: How long had you been back when you saw him?

A I don't know exactly.

Q A year or two? A I hadn't been back a year, no, sir.

Q Well, had you put in a crop that year you came back? A No, sir, I hadn't then.

Q Did you have any corn in when he came? A No, sir.

Q Any potatoes in? A I had a patch I tried to clear out.

Q But you had no corn on it? A No, sir.

Q You didn't plant any that year? A No, didn't plant any till it got time to plant it.

Q But had you planted any when this man came down here? A No, sir.

Q George, you don't know anything about cotton, rice? A No, sir, I don't.

Q You don't know one year from another? A No, sir, I don't know, of course I am not got no education.

Q Where did you live before the war? A Well, when I lived in the Cherokee Nation before the war.

Q What place in the Cherokee Nation? A Well, as best as I can tell you to call you the town, I lived west of a little town they called Dutch town on a big hill, west of it.

Q And did you belong to? A Belonged to a man they called Nathan

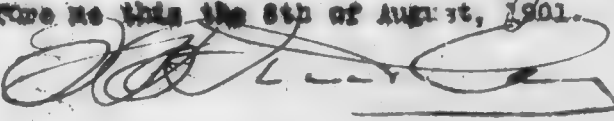
COMMUNICATIONS SECTION
DIVISION OF INDIAN AFFAIRS
WASHINGTON, D. C.
JUN 15 1901

xx Freedman on a doubtful score, awaiting further consideration by the Commission. He will be duly notified by mail at his post office address of the location of the Commission, when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones,
Sworn to and subscribed before me this 12th of June, 1901.
Signed, T. B. Needles,
Commissioner.

~~xxxxxxx~~
Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones
Sworn to and subscribed before me this 8th of August, 1901.

Commissioner.

File with Cherokee Freedman D-619, David Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances

Mellette & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

C. W. KINGSBURY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A C. W. Kingsbury.

Q What is your age, Mr. Kingsbury? A I am 47 years this fall.

Q What is your postoffice address? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City? A Ever since the 12th day of August, 1881.

Q Were you living there in 1865; you have lived there ever since, you say? A Yes, sir, lived there continuously ever since, made that my home.

Q What was your father's name? A My grandfather's name was Durbin.

Q Did you know a colored man in Mound City, Kansas, by the name of Peter Ward? A There was one lived there, yes, sir, by that name.

Q Did you know any of his children? A Yes, sir.

Q Name some of them? A There was Abraham, Berry, Mark, Miner, Squire, Eliza, Ben, Dave, Clint, George; that is all I can remember of them.

Q When did you first become acquainted with this family of Wards?

A In the fall of '65.

Q Where were they then? A They lived on a place west of ours.

Q How far was that from Mound City, Kansas? A That was three miles; it is three miles to my place and their place joined right west of ours.

Q Joined your place on the west? A Yes, sir, their place cornered with ours on the northwest.

Q How long did they continue to live from '65 in that immediate vicinity about Mound City? A From '65, in the fall of '65 I think, and then in the next spring they moved, taken a lease on the old gentleman's place, my grandfather's.

Q What was his name? A Amos Durbin.

Q That was in the spring of '66? A In the spring of '66 they moved onto our place.

Q When you say our place you mean your grandfather's? A Yes, sir, I mean the Durbin farm now, it is where I live now.

Q Now how long did they continue to live on that farm? A They took a lease on our place for four years, to clear up some timber lands, and they lived there three years and in the fall of '69 the old gentleman left, that is, he said he was going down to this country, that was in the fall of '69, and the remaining year of the lease, he wanted the old gentleman, that is Mr. Durbin, to let one of his boys live there the year of the lease out, and Mr. Durbin told him that he was welcome to stay on the place till his time was out, but he didn't want him to sub-rent to anybody, and Peter Ward said all right.

Q They gave up the last year? A Yes, sir, they gave up the last year.

Q And they lived there for three years from '66, as I understand it? A From '66 to the fall of '69.

Q Was there a barn built on the Durbin farm in the meantime? A There was a stone barn built there in '68.

Q How do you know it was built there in '68? have you anything else besides your own memory? A Yes, sir, the boss mechanic, A. J. Ranney, on finishing the work he placed a rock up over the door with his initials and the year it was erected in.

Q Do you know whether these people were there after the building of this year or not, living there? A Yes, sir.

Mr. Mellette: I think that is a very leading remark.

Q Well now how do you know it? A Mr. Ward was farming our place besides this land, he stored some wheat on our place and he stored some wheat and in the fall of '69 he left some wheat in our barn and the next spring he came and got it.

Q You know where he was the next spring, where he was living? A He said he had moved down to this country, that is what he said and we supposed he had.

Q Have you seen him since? A I have not; one of his boys was back there since, Abe, but what year I don't remember.

Q What is your occupation? A I am farming and stock raising.

Q You have mentioned a number of Peter Ward's family; did they all leave when Ward left, or about that time? A About that time; I can't say for sure whether the older boys left a short time before or a short time after, but I remember Uncle Peter going away at this time that I spoke of.

Q You remember Abraham Ward living there? A Yes, sir, he lived there every time when he was there, the boys were all at home on the place there.

Q Is your grandfather, Durbin I believe, is he alive? A Yes, sir, he is living, he is quite an old man, he is 88 years old.

Mr. Mellette: I didn't get your name? A C. W. Kingsbury.

Q What is your postoffice? A Mound City, Kansas.

Q How old are you? A I am 47 this fall.

Q How old were you in '66? A In '66 I was 12 years old, I was born in '54.

Q Did you, as a 12 year old boy, pay much attention to dates?

A What do you mean, in what way do you mean?

Q Well I mean exactly what I said? A Well this time that I spoke of, of knowing when Uncle Peter took this lease on our place; this place that he moved onto our place from belonged, when he took the lease on that, to a man named Corbin, and he built a house.

Q Now are you going to answer my question? A Yes, sir, what is it?

Mr. Hastings: If you want to tell him how you get at this date, go on and tell him.

Mr. Mellette: I asked you if, as a 12 year old boy, you paid very much attention to dates? A I remember that distinctly.

Q When were you first asked to appear as a witness in this case?

A I think there was a gentleman at my house twice, the last time I don't remember when, but I think it was along the last days of last month.

Q How long was it after Peter Ward and his family left Kansas, that that man came to you and asked you about these facts? A It was from '69 until 1901.

Q How long is that? A From '69 would be 32 years, if I am not mistaken.

Q Do you remember back then 32 years to the time when you were a 12 year old boy and remember the years that these colored people leased the land? A I do.

Q And when they moved off? A Yes, sir.

Q Where were you living at that time? A I must have lived on the place, I was living the same place I live now, three miles west of Mound City, in Lynn County, Kansas.

Q Is that the only date you can remember about things that took place in those days? A No, sir.

Q You have lived in one spot all the time? A I have lived continuously, that has been my home on that farm since '61.

Q What impresses the fact on your mind as to when these people lived on that land? A As I said, Mr. Ward was living on a farm that

belonged to Corbin and he had put up a house there, a log house, he wanted to move that house over onto the old gentleman, my grandfather, and my grandfather objected and told him he had better go down in our timber and cut logs and build a house.

Q You know of that? A Yes, sir.

Q You remember that conversation 32 years ago? A Yes, sir.

Q You are giving the exact conversation that you heard 32 years ago?

A I remember the contract and the conversation.

Q Were you a business man at that time? A Well, I wasn't, I don't suppose, considered so legally.

Q Did you conduct business at the age of 12? A In the way of leasing land I didn't, and Mr. Alexander came out from Indiana in the fall of '65 and bought the land then, this land that this gentleman, Mr. Ward, lived on, and then in '66 P. D. Alexander moved on the farm and lived there until the time of his death.

Q Now is it not a fact that Peter Ward and his family left your grandfather's place in '66 because they understood they could get a home here by coming in 1866, that they departed at that time? A I don't think it is.

Q Well, what do you mean by saying you don't think it is? A Well I mean that he lived three years of this lease out there on the farm, that is, living three years on the farm.

Q Was there any particular reason for your remembering that for 32 years, the time that these people were on your grandfather's farm?

A The thing that calls the memory to the time was the fact that Alexander bought the place.

Q And you remember the year he bought the place? A Yes, sir.

Q Do you remember this by talking to your grandfather or somebody else or have you retained it in your own memory? A I have retained it in my mind, by talking to Alexander during his life time.

Q You have retained it by talking to Alexander? A Yes, sir.

Q You are testifying by what Alexander told you? A I know he came there in '66.

Q I want to know if you are testifying about these dates by what Alexander told you? A I am not.

Q What made you say you remember it by talking to Alexander in his life time? A I remember him moving there in '66 same as I remember I moved to Kansas in '61.

Q Then if Peter Ward and Abraham Ward and the rest of the Wards swear they left Kansas in '66 they are mistaken, are they? A I don't know what they testified to.

Q Who else lived on your grandfather's place after the wards moved off? A At the time they lived on the place there, at one time, not all the time, there was a man by the name of Anderson Turk.

Q When did he move on the place? A He moved on the place sometime in '65, he had been on the place I think a year.

Q When did he move off? A He moved off the place, let's see, about '75.

Q Well, are you swearing he moved off in '75? A He moved up north and bought a place up north, he lived on the place 12 years and moved there in '65.

Q What year did he move off? A About the year 1875.

Q You swear that, do you? A Yes, sir.

Q Who lived on the place besides that man? A Mr. George Brown lived there.

Q When did he move on the place? A He didn't rent, he just simply rented a room from Anderson Turk and lived there.

Q When did he rent the room? A Why it was sometime, it was in '67 or '68, I am not sure which.

Q Well, which is it, '67 or '68? Just as much reason for you to remember that as there was about Peter Ward?

Mr. Hastings: Don't argue that question.

Q What year was it that that man lived on the place? A '67 or '68, I am not sure which.

Q Why can't you remember, if you can remember when Peter Ward moved

on the place and when he moved off? A Brown lived there just a short time and by permission of Anderson Turk.

Q When did he live there? A I think one winter.

Q You don't know when he went on and when he went off? A In the fall season he went in and just wintered there one winter.

Q Who lived on this place in 1876? A There was no one in '76, nobody, then but our own folks.

Q Who cultivated it? A The old gentleman.

Q Anybody else ever live on that place? A How do you mean, since '66? A Yes, sir, since '66? A Yes. I think Uncle Ben Ward lived on the place.

Q When did Ben Ward live on the place? A He lived on the place I think it was, let's see, about '67.

Q Now was it about '67, or was it '67? A I am not sure whether it was '67.

Q Why can't you remember when Ben Ward lived on the place? A I am pretty sure it was '67 when he lived on the place.

Q Do you swear positively it was '67 when he lived on the place?

A I am pretty sure of it, I am not positive.

Q Might have been '66? A No, it wasn't '66, because my recollection is that he moved on the place after Uncle Peter did, took another lease.

Q It was '67 then? A Yes, sir.

Q Might have been '68? A Yes, it was either '67 or '68, was either of the two years, it was a year after Uncle Peter moved.

Q You want to be understood as swearing positively that Uncle Peter Ward moved on the place in '66? A Yes, sir, spring of '66.

Q And you were a 12 year old boy at the time? A Yes, sir.

Q Don't you think you have a remarkable memory? A I never considered my memory as anything extra.

Commissioner. Mr. Kingsbury, Mr. Hastings asked you your father's name and you gave your grandfather's name; why did you not give your father's name when he asked you? A My father was in California and my grandfather raised me, I have been living with him ever since I was 7 years old, ever since; my father is dead now.

Mr. Hastings: I had talked to you about your grandfather's place?

A Yes, sir, that is the place that I live on now, and this family live on is my grandfather's now, he is still living, he is quite an old man.

BYRON OSBORN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Byron Osborn.

Q Mr. Osborn, how old are you? A 49 years old.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City, Kansas? A Well sir, my father settled there in '54, March 20.

Q Have you lived there since that time? A Well, that has been my home, I have been away a year or so at a time, was back in Illinois a couple of years and I was out in Colorado about the mountains about 12 or 14 months.

Q Well, where were you the three or four years after the war? A I was on our place, home.

Q How far was your place from Mound City, Kansas? A Three miles.

Q What direction? A Southwest.

Q How far was that from the Durbin farm? A Well, it is about two miles and a half I should judge.

Q Do you know Mr. Kingsbury, who has just left the stand?

A Yes, sir.

Q Is a grandson of Durbin? A Yes, sir.

Q Did you know a colored man by the name of Peter Ward? A Yes, sir, I used to know Mr. Ward.

Q Did you know any of the members of his family? A Yes, sir.

Q Give me the names of some of them? A I know of one and I know Barry and know Squire Ward, that is about all that I know, he had

other children but I wasn't acquainted with them, I think he had some girls I wasn't acquainted with.

Q When did you know them? A Well, sir, it was along I think the latter part of summer, they lived in there.

Q About how long did you continue to know them? A Well, the best of my recollection is that I knew them I think probably eight or nine or ten years.

Q I mean did you know them after the war? A Yes, sir.

Q How long after the war did you know them? A Well, I should judge it was, to the best of my recollection, I think it was probably five or six years after the war, four or five maybe, sometime after the war, but I can't state how long.

Q Do you know where they were living? A Yes, sir.

Q What place? A They were living on Mr. Durbin's farm.

Q Do you remember where they went when they left there? A Well I don't know positive, only I have understood they came to the Indian Territory.

Mr. Mellette: How old are you? A 13 years old.

Q How old were you when the war closed? A Well I guess I was about 12 or 14 years old.

Q Now who did you first talk to about knowing anything about these people? A Mr. Keys.

Q Mr. Keys came up into Kansas, didn't he? A Yes, sir.

Q Found you? A Yes, sir, he asked me did I know the Wards and I told him I did.

Q Well was that the first time that anybody had ever talked to you about when the Wards left that country? A Yes, sir.

Q That has been about 32 years ago, hasn't it? A Well it has been a long while, I don't know just how long.

Q You were a boy about fourteen years old? A Yes.

Q Do you think you can remember back to your boyhood days and swear positively when Peter Ward left that country? A I don't swear positively.

Q How far do you swear positively? A Well I know that he was there sometime after the war.

Q You now he was there sometime after the war? A Yes.

Q Can you remember the events and the succession of facts as they happened thirty years ago when you were a boy? A Well some things I ~~can~~ can.

Q Well, do you think this is one of the things? A Well I remember that Mr. Ward lived there, he had a boy by the name of Abe who used to work for my father sometime after the war, he worked on our place, but I can't say positively what year it was.

Q You don't know when he worked on your father's place? A I don't know what year it was, it was sometime after the war, quite a while.

Q And you don't know when he moved to Mr. Durbin's place? A No, sir.

Q Can't you remember the year he worked on your father's place?

A No, sir, not positive.

Q When did they stop fighting up there in Kansas? A Along about, I think the last fight they had was when Price went through, I think the latter part of '66 or '65, along there.

Q '66, was it? A Or '65.

Q You say they had a fight up there the latter part of '65, that Price went through there? A No, I didn't say '65.

Q The latter part of '65 or '66? A The latter part of '66 or '65.

Q The latter part of '66 or '65, you say that? A I saw either the latter part of '65 or '66, sometime along in there that Price went through there.

Q Don't you know that Price made his raid through there in '63?

A No, I don't hardly believe he did.

Q And don't you know that General Lee surrendered to General Grant in April, 1865, and that there wasn't any fighting any place after April, '65? A Well it might be, but the war wasn't closed entirely.

till about '65.

Q Yes but you say Price made his raid through there in '65 or '66?

A I meant '64 or '5.

Q What made you change? A Well, I just made a mistake.

Q Who talked to you after you came? A Nobody.

Q Well Mr. Hastings here consulted you, didn't he? A He asked me some questions.

Q Was Mr. Kingsbury present? A Yes, sir.

Q Who else was present? A There was lots of gentlemen there.

Q All you witnesses who came down in that case were present and talked to together? A Well they asked me some questions.

Q Now when you were being consulted you and Mr. Kingsbury and the other witnesses in this case were all sitting in the room and heard what went on here? A I think maybe I did hear a part of Mr. Kingsbury's testimony, I wasn't in there all the time, I don't know anything about when Mr. Ward left that country, I can't swear positive, but I am satisfied that he was there several years after the war closed.

Q But then if you think that Price made his raid through there in '65 or '66 you may be mistaken when the war closed? A I meant '64 or '65.

Q Do you say that Price did make his raid through there in '64 or '5? A I wouldn't say positive.

Q You wouldn't say positively about that? A No, it seems to me it was in that time.

Q You were a boy? A Yes, I was a boy.

Mr. Hastings: You were summoned here as a witnesses on the part of the Cherokee Nation, weren't you? A Yes, sir.

Q I consulted you with a number of other witnesses down there?

A Yes, sir.

Mr. Mellette: How were you summoned here on the part of the Cherokee Nation? A By subpoena.

Q Who served the subpoena on you? A Mr. Campbell left it at my farm.

Q Who is Mr. Campbell? A His name is Neve Campbell.

Q Where does he live? A He lives in Mound City, Kansas.

JOSEPH L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Joseph L. Ward.

Q What is your age, Mr. Ward? A 56.

Q What is your postoffice? A Maysville, Arkansas.

Q You live in the Cherokee Nation now there? A Yes, sir.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q Mr. Ward, what was your father's name? A James Ward.

Q Did your father ever own a colored man by the name of Peter Ward?

A No, sir, my grandfather owned him.

Q You know Peter Ward then? A Yes, sir.

Q Before the war? A Yes, sir, he married a negro woman my mother owned.

Q He had some children? A Yes, sir.

Q You remember any of their names? A Yes, sir.

Q Well, give us some of them? A Abraham was the oldest, Berry, Margaret, Miner, Squire, Eliza, Dave, and Clint, is all they had when they left there that I know of, that I remember.

Q Did they live there when the war came up? A Yes, sir, in '63 as well as I can remember.

Q Did you ever afterwards see them? A Yes, sir.

Q Where did you next see them? A In Mound City, Kansas.

Q When was that? A In the fall of '65, October.

Q Now when did you next see anyone of this family? A The next time one of them was here in Vinita just after that payment, the first payment of the Cherokees. I don't remember the exact date.

Q You don't remember the exact date? A No, sir.

Q It wasn't this last colored payment? A No, it was the first payment that was had after the war.

Q You don't remember the date of that payment? A No, I don't remember the date.

Q Was this railroad through here at that time? A I think so.

Q Well, which one of them did you see at that time? A Abraham.

Q Did you have any conversation with him? A Why yes, he told me that he didn't get any money, that he came too late.

Q He say where he was living at that time? A Living out here on Big Creek, up here in Cooveescoovee.

Q You remember when he said he came? A No, I don't, positive, it seems to me he told me he came here in '69, that is my best recollection.

Q Did you see any other members of the family at the time? A No, sir, not that I remember.

Q Have you talked with any of them since that about it? A No, sir.

Q You live quite a distance from them? A Yes, sir, I live about fifty miles southeast of here, and they live northwest.

Q You don't remember the date of that payment? A No, I don't remember the date of it, somewhere in '70 but I don't know exactly what date it was.

Mr. Mellette: Well, did any of the colored people get the payment at that time? A I don't know, I don't think they did.

Q Don't think any of them got it? A I don't know, I don't remember, of course I can't state.

Q You wouldn't swear that he told you he came here in '69, positively? A Not positively, but that is my best recollection.

Q Well, that has been a long time ago, hasn't it? A Yes, sir.

Q You ever been arrested? A I don't know that that cuts any figure in the case.

Commissioner: Please answer the question.

A Why yes.

Mr. Mellette: What were you charged with? A I was charged with charging an unlawful fee in a pension case.

Q That all? A And detaining pension money.

Mr. Hastings: What was done with the case, Mr. Ward? A Dismissed.

JOHN L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John L. Ward.

Q What is your age, Mr. Ward? A Age is 50.

Q What is your postoffice? A Maysville, Arkansas.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q You live on the Cherokee side of the line? A Yes, sir.

Q What was your father's name? A His name was James Ward.

Q Did you know a colored man by the name of Peter Ward? A I did when I was a boy, I haven't seen him since.

Q Did he have some children? A Yes, sir.

Q You remember any of their names? A Yes, I recollect most of their names, there was Margaret and Abraham, Louise was the old lady's name.

Q We want to identify the family, name some of them? A Margaret and Abraham and Berry and Miner and Ben I think and Dave and Elise and Clint.

Q Did you ever see any of them after the war? A I never saw but one of them; yes I have seen them too, I seen Squire here the last Court, one they call Dick or Squire.

Q Well which one did you see first after the war? A That was Miner.

Q What was her name then? A Now I think she called her name.

Q Where did you see her? A Up here between here and Shetopa, Big Creek I think it was.

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Q Between here and Chatopa? A Yes, sir.

Q In what district? A In Cooweescoowas I guess.

Q Did you have any talk with her? A Yes, sir.

Q About when was that talk? A Sometime in the sixties, '65 or '6 or '7, somewhere along there, I don't recollect just the year.

Q Now think over the date, do you mean '60? A '70 I mean '70, something in '70, I have got it wrong, '60 I said, it was sometime in '70.

Q You say it was sometime in '70? A Yes, sir.

Q You know whether it was before or after this railroad ran through here? A Yes, sir, it was after this railroad ran through here.

Q This M.K. & T.? A Yes, sir.

Q Well, what conversation did you have with her? A We stopped there where she lived and she called up a couple of boys that she had and she told me their names, she called one of them Grant and the other one Sherman, and ~~then~~ then she sent a crazy negro down in the field for her husband, and she said she wanted to know what they were going to do about them, she said they got back too late; I said I didn't know what they were going to do, and that is about all the conversation I had; I asked them about the family, where they lived; they were all around there except one of them, there was one had never come back, that is my recollection, I don't know which one now.

Q Who was with you at the time? A Well, my brother, we had been up to Coffeyville with some apples and came back by there and stopped.

Mr. Mellette: You say you asked them about the family? A Yes, sir.

Q Talked a good while with them I suppose? A We stopped there about half an hour or an hour.

Q Where did she say her father was? A He lived there somewhere.

Q Where? A Up here about Big Creek.

Q Where did she say Abraham was? A He was there.

Q Where? A Up in there, right close there, I was asking how they all were getting along.

Q How many years ago has that been? A Along in '70 sometime.

Q '70 when? A Between '75 and '77.

Q What made you say it was in '60 first? A I just miscalled it.

Q Wasn't it in the sixties? A No, sir.

Q Don't you know it was in '66? A No, sir.

Q Between '66 and '7 and '8? A It wasn't in '63.

Q Why wasn't it? A Because this railroad was built through here.

Q When were you first called upon to remember this? A Well, it was down here in this rock house down here.

Q How long ago? A I don't remember.

Q When Mr. Wallace made this roll? A No, sir.

Q When Mr. Kern and Clifton made the roll? A It was when this negro attorney was down there, I don't know his name.

Q How long ago? A I don't remember just now.

Q About how long ago did you first remember that she said she was too late? A It was when we were up there, is all I know about it.

Q About how long ago, I want to find out when it was? A The reason I think it was about seventy, because I was married in '78 and it was before I was married.

Q How many years before you were married? A Two or three.

Q Two or three? A I don't remember just exactly, it was so long ago you can't recollect, I can't recollect the exact dates.

Q That is what I am thinking about, unless I have something to impress it on my mind; nobody called on you to remember what they said for twenty or thirty years afterwards? A No, I wasn't called on until I was summoned here before this court.

Q This time? A No, that other time.

Q What time was that? A I don't remember; you may recollect the date Mr. Hastings.

Q Who were making the roll at that time? A Hastings and Thompson and there was a negro there, an attorney, I forget his name.

Q You can't give any idea when that date was can you? Why can't you remember the date you were first called on to testify to this fact?

as well as you can remember when she told you she came here too late?

A I never paid much attention to it.

Q Did you pay much attention to when she said she came here too late? A Yes, I recollect by the trip we made and I got to counting it up.

Q After thirty years you got to counting it up, did you? A It wasn't thirty years.

Q Well, twenty? A Let's see, it was over thirty years I guess.

Q It was over? A It was in seventy something.

Q Well how many years has that been? A Well I can count, this is 1901, you can count yourself.

Q Well I am not going to do it, I asked you how many years it was?

A Thirty years from seventy, and then it was along in '70, well I don't recollect just exactly the year though, it was before '77, sometime between '70 and '77, I don't remember just exactly the year, I don't propose to swear something I don't know.

Q Well you give it up then, you can't tell how many years it has been? A I don't recollect the exact year.

Q And you can't tell the year you were down here in the rock building and when Mr. Hastings and Mr. Thompson were making the roll? A No, I don't recollect the exact year.

Q Was it 1895? A I don't remember.

Q 1890? A (No response.)

Q Was it 1890? A No, sir, it wasn't then.

Q Then was it? A I don't know just when, I don't recollect the year.

Mr. Hastings: That was the first time you had seen these old slaves since the war, when you had this conversation? A Yes, sir, and then during this Court I was sworn when I was up here last Court.

Q Are you summoned here as a witness this time? A Yes, sir.

Q Were you summoned when you testified before when I represented the Nation in part? A Yes, sir.

Q You remember Mr. Thompson was a member of the Court at that time? A Yes, sir.

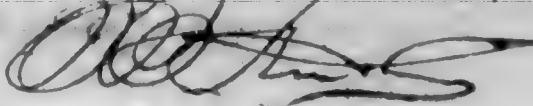
Q You remember the other two members of that Court? A I don't recollect them.

Taking of testimony continued by stenographer J. O. Rosson.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of October, 1901.



Commissioner.

Continuation of taking of testimony in case of ABRAHAM
WARD, C.F.-D.#607.

Former portion taken by Stenographer
Bruce C. Jones.

APPEARANCES:

Mr. Mellette, of Counsel for applicant;
Mr/W. W. Hastings, of Counsel for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles,
testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A L. B. Bell.

Q Age? A 62; Vinita.

Q Mr. Bell, when was this ~~at~~ railroad, M. K. & T. railroad, built
through this country? A '71.

Q When was that first Cherokee payment made after the war? A '75.

Q Do you know whether colored people and all participated in that
payment or not? A Yes, every Cherokee citizen and whole lot
that wasn't.

Q That was a general payment? A Yes, that was general payment
intended for relief fund for all people living in the Cherokee Nation

MR. MELLETTE: Did any colored people get pay at that time?
A Yes, I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called, testified as follows
in his own behalf:

MR. MELLETTE: What is your name? A Abraham Ward is my name.

Q Are you the Abraham Ward who is an applicant for enrollment as a
Cherokee Freedman? A Yes, sir.

Q Did you know J. L. Ward who has just testified in this case?

A Yes, sir, I know him.

Q Did you ever make a statement as testified to by him that you
came here too late to become a citizen? A No, sir, I did not.

Q Did you make statement, as testified to by him, that you came
back in '69? A No, sir.

Q Did you hear the testimony of John Ward, the last witness?

A No, sir.

Q Did you hear his testimony? A I heard it yes, sir.

Q Did you hear a statement being said of yourself, mother ~~or~~ or
sister to him? A Yes, sir.

Q Where is that sister? A She is dead.

Q How long has she been dead? A About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward
after the war? A I saw him when the Cherokees drew that general
payment, what called bred money.

Q What year was that? A I don't remember just what year it was.

Q Well, that is strange? A It was in '70 though I think.

Q Where did you see him? A '78 or '9; saw him right here at Vi nit

Q '78 or '9? A Yes, sir.

Q Along there; saw him here at Vi nita? A Yes, sir.

Q You didn't talk with him? A Yes, we was talking about our
boyhood times.

Q Talked to him where you had been? A No, sir, he knew where I
had been.

Q He was your young master? A Yes, sir, he and him was about one
age.

This Testimony will be made part of the record in cases
D.#608, D.#610, D.#611, D.#613, D.#625, D.#615, D.#616, D.#618,
D.#619, D.#621, D.#622, D.#623, D.#625, D.#626, D.#605

---oooOOOooo---
J. O. Reason, being first duly sworn, states that as stenog-
rapher to the Commission to the five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and correct transcript of his stenographic
notes thereof.

Subscribed and sworn to before me this October 14th, 1901.

File with Cherokee Freedmen, p-610, David Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

In the matter of the application of Abraham Ward et al. for
enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mellotte & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JOHN B. BROWN, being duly sworn by Commissioner Needles, tes-
tified as follows:

Mr. Hastings: What is your name? A John Brown.

Q J. B. Brown? A Yes, sir.

Q What is your postoffice? A Springer.

Q That in the Territory? A Yes, it is in the Territory.

Q You are a Cherokee Indian by blood? A Yes, sir.

Q What is your age? A I am 52.

Q You married a Choctaw, or Chickasaw? A Married a Chickasaw.

Q How long have you been down there? A I moved down there about
two years ago.

Q When did you come back to the Cherokee Nation after the war?

A We landed back in the Cherokee Nation in the Fall of '65.

Q Where did you live during the year of '66? A We were down
there on Grand River.

Q Where did your father live in '67? A He was on Pryor Creek, I
think he lived on Pryor Creek.

Q Do you know a colored man by the name of Peter Ward, and Abra-
ham Ward? A Yes, sir.

Q When did you first see them after the war? A To the best of
my recollection, I saw them in '68 in Kansas near Mound City.

Q What were you doing up in Kansas? A There was an old negro that
my father owned, lived with him, I met him down here, and he had a
pension coming to him and I went with him up there to draw this money
and I found these people there in Ottawa, we went to Ottawa, Kansas, to
draw this money, and there is where I saw these people.

Q Who did you go with? A Jess Brown and Jess Marum, and there I
saw old Uncle Peter Ward and Abe and Berry, there was younger ones
but they were smaller, I got acquainted with them there.

Q Were they living there at the time? A Yes, sir, they were
living there.

Q Living in town or on a farm? A No, they were living on a farm
out a little place from Mound City, Mound City, as well as I recollect
must be about 40 or 60 miles of Ottawa, Kansas.

Q About what time in the year did you see them there? A It was
in July or August, I remember they were cutting wheat when I was there.

Q Summer time? A Yes.

Q Well, about how long did you stay around there? A I don't know
how long, I don't remember how long, we stayed a while at Mound City
and then went on up to Ottawa and stayed there quite a while, we didn't
get there when he first went there, we had to wait on account of
some papers wasn't fixed up right, and we had to stay there, I would
not say positively how long it was.

Q Did you go to Peter Ward's house? A I can't say positively, you
see there was a whole bunch of them lived around there, and I went
to several of the houses around there and when they had preaching there
while I was there and I went to church and seen them, they all found
out I was an Indian and they came in to see me and talk with me.

Q You were with these colored men, my colored men? A Yes, sir.

was with Jess, his mother was living there and his brother was there.

Q His mother and brother? A Yes, sir, mother and brother.

Q Did you see Abraham Ward? A Yes, sir, yes, sir.

Q You remember distinctly seeing him? A Yes, I remember him very well.

Q Well now did you meet anybody after you came back home, after you came back to the Cherokee Nation? A What do you mean; when I came back who did I meet?

Q Yes, if anyone? A No, I left them over there, they never come back.

Q Did you meet any of the Couches? A Yes, sir, Sam Couch and Pete Couch had just moved from Texas and I moved on Pryor Creek, they just had moved in, I just had come back from this trip and met them on Pryor Creek.

Q Now how many Wards had you seen up there, you saw Peter and Abe and Berry? A I remember Peter, that is Abraham's father, Uncle Peter we called him, and Berry and Squire, not Squire, no, Abraham, them three I remember.

Q There were others but you don't remember? A Yes, there were other boys, I got acquainted with them after they moved back later on, but I don't remember seeing them up there like I do these other men, I knew them after I met them after they came back I knew who they were.

Q Did they say anything about having been back down here after the war before that? A No, sir, never said anything about that, they told me ~~that~~ they were coming back just as quick as they could come, everyone I seen was talking about coming back.

Q Where did you live in '65? A We were down on the Adair place, some called the Adair place and used to be known as the Alex McDaniel place.

Q Where were you in '67? A We were there in '67.

Q Where were you in '68? A When we went on Verdigris, we had moved over there to Verdigris.

Q And that was in '68 you went up there? A Yes, in '68 I went to Kansas.

Mr. Mellette: You say you saw these Wards up there in Kansas at church? A Yes, sir.

Q How long did you stay in Kansas that fall? A I can't tell you how long I was there.

Q You didn't lose your citizenship by going up there to Kansas?

A Didn't lose my citizenship, no, sir.

Q How long did you stay there, you say? A I don't remember, might have been there two, three, or four weeks.

Q You didn't go to their house? A Yes, sir, I went to old Uncle Peter Ward's house.

Q Why didn't you say just a while ago that you did go to their house? A I said I went to several homes there, they lived all around in that country at different places, and I had been meeting them one day and another while I stayed there.

Q What were you doing while you were up there? A I went up there with this old Jess Brown to get his money.

Q Where did you have to go to get his money? A Went to Ottawa, Kansas.

Q How far is that place? A I don't remember how far it is.

Q About how far? A Oh, it is a long ways.

Q How far did they live from Ottawa? A As well as I remember, it must be forty or fifty miles, they were living at Mound City to the best of my recollection.

Q What were you doing at Mound City? A There is where Jess's brother and mother lived, he landed there first.

Q What did you stay there for? A He wanted to see his mother, I stayed with him.

Q Did you have to stay with him? A Of course I had to stay with him, I went with him, when he got ready to go on up to Ottawa.

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we went on.

Q You saw three words up there? A Yes, sir, I remember the three.

Q You don't know how long they had been there? A No, sir.

Mr. Hastings: You heard Jasa Brown up in your wagon? A Yes, sir.

Commissioner: This testimony will be made part of the record in Freedmen cases D-608, D-610, D-611, D-613, D-625, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-625, D-626, D-608.

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above cases, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce O. Jones

Sworn to and subscribed before me this the 21st of October, 1901.

A. McKinnis
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 25, 1901.

SUBCOMMISSIONER'S TESTIMONY in the matter of the application of Daniel Thompson to ag. C. P. D. #608.

APPENDICES

James S. Davenport, for the Cherokee Nation
Mellette Smith for the ~~Cherokee~~ applicant.

T. F. Thompson, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation—

(By Davenport)

Q What is your name? A T. F. Thompson.

Q Where do you live? A 3 miles south of Vinita.

Q What is your age? A 54.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.

Q Did you know him before the war? A Yes sir.

Q Do you know where he went during the war? A I think he went north to Kansas.

Q Where did your family go during the war? A To Red River.

Q Choctaw Nation? A Chickasaw Nation.

Q When did you return to this country? A In the fall of '66, in October.

Q Did this applicant go with your family? A He never was with us during the war.

Q When your family returned to the Cherokee Nation where did they locate? A On Grand river, 12 or 15 miles east of here.

Q How far from where they had originally lived? A Same place.

Q Was the applicant there when you returned? A No sir.

Q When did you first see the applicant after the war? A Here in Vinita, I don't tell exactly the date.

Q With reference to the time the railroad was here when was it? A The Katy was here I think.

Q About what year was it? A As well as I remember it was in '71 or '72.

Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir.

Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.

Q Where was he living at that time? A On Big Creek, he told me.

Q Did he say when that he had been living on Grand river at the old place? A No sir.

Q You had always lived on the old place since your return? A Yes sir.

Q Same place you lived on prior to the breaking out of the war? A Yes sir.

Q Had the applicant been there after the war to your house? A Not that I know of.

Q You saw him here in Vinita for the first time after the war? A Yes sir.

Q Did he come to your house at that time? A He came to my father's house and staid a day or two with my father.

(By Smith)

Q What was your father's name? A Johnson Thompson.

Q Is he a Cherokee? A Yes sir.

Q By blood? A Yes sir.

Q A recognized citizen of the Cherokee Nation? A Yes sir.

Q Did he see Daniel Thompson before the war? A Yes sir.

Q Was Daniel Thompson at with your father when the war commenced? A Yes sir.

Q What time did you get back here after the war? A October, '66.

Q You came to your place? A Our old place.

Q How far from where Vinita is now? A 12 or 15 miles.

Q How old were you then? A 15 years old.

Q Now, the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school on the two sessions at Pea Ridge, Arkansas.

Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.

Q All you know is that the first time you saw him was in '71? A Yes sir.

Q You don't know how long he had then been in the Cherokee Nation? A No sir.

Q You don't know where he was during the war? A No sir.

(By the court)

Q When were you at school? A In '67, in the fall.

Q You were at home then from '66 to the fall of '67? A Yes sir.

Q You never saw the applicant there then? A No sir.

Q Never heard of him being there did you?

BY MR. STINGER: I object to him stating what he might have heard.

(By the court of witness)

Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.

Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by Court T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By the court)

Q What is your name? A David Stinger.

Q Where do you live? A On Big Creek, Cherokee Nation.

Q How old are you? A 50.

Q How long have you lived in the neighborhood of Big Creek in the Cherokee Nation? A About 25 years.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Since '72.

Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.

Q What was he doing when you saw him? A Just commenced making a farm there.

Q Did you have a conversation with him then? A Yes sir.

Q What was that conversation? A He told me that he used to live here and was banished here, and that he went to Kansas, and thought he would come back because he was called here—thought he would come back home as he called it.

Q Did he have a family with him then? A Yes sir.

Q What year was that? A I think in '78.

Q What arrangements had he made then? A Nothing; he was just in a wagon there.

Q Did he say when he had gone to Kansas? A No, I don't know anything about that.

Q Was anything else said about his having been in the Cherokee Nation before that? A I don't think there was.

Q How many children did he have then? A Two.

Q What were their names? A Sandy and Mandy.

Q Were they both with him? A Yes sir.

Q Did he afterwards make a place there? A Yes sir.

Q Where has he been living since? A Right there all the time.

Q What year was this you say he came there? A '72.

(By the court)

Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.

Q How long had you been there in '71? A I came there in '71.

Q Where from? A Peoria, Illinois.

Q Had you ever been in the Cherokee Nation before in '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.

Q You don't know where he was in '69? A No sir.

Q Or in '68? A No sir.

Q Or in '67? A No sir.

Q Or in '66? A No sir.

Q Or in '65? A No sir.

Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.

Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.

Q You don't know when he first came here after the war? A No sir, only that time.

Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)

Q Was he living there when you came there in '71? A No sir.

Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A William Noble.

Q Where do you live? A On Big Creek, Indian Territory.

Q Cherokee Nation? A Yes sir.

Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.

Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Good many years, I can't say exactly how long. I think he moved in there on Big Creek right close to me. I think he came from Kansas there in the fall of '72, and he has lived there ever since.

Q Did he settle a place there when he came down? A Yes sir.

Q How far from you? A Two and a half miles.

Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.

Q Did he have his family with him? A Yes sir.

Q Children? A Wife and three children.

Q Did you have any conversation with him? A Yes sir, he told me he just moved in from Kansas.

Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.

(By Smith)

Q When did you first come to the Cherokee Nation after the war? A In '64.

Q Were you in the army? A Yes sir.

Q When were you discharged from the army? A I was discharged, I think it was in '63.

Q In what? A '63.

Q Were you discharged before the war closed? A No sir.

Q But you think it was in '63 that you were discharged? A I believe it was.

Q In '61 maybe? A Somewhere along there.

Q Somewhere in '61 or '62? A Yes sir.

Q You testified Saturday last in the Josh Vann case didn't you? A Yes sir.

Q Didn't you say then that you were discharged in the year '63?

the army? A I dont think I did, I think I said I didn't know exactly.

Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.

Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '63.

Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.

Q When did the war close, what year? A I think it was in '61, wasn't it?

Q When did it commence? A You are just a little ahead of me when it commenced, I dont recollect it.

Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time the war was over.

Q What did they discharged you for the first time? A Three years service.

Q Then you went back the second time? A Yes sir.

Q How long did you stay then? A Two years.

Q How long did that war last? A Five years, wasn't it?

Q How long was it after you were discharged the last time before you came to the Cherokee Nation? A I think it was about three years, two and a half or three years.

Q What year did you get here? A In the spring of '66.

Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.

Q And you are certain you were discharged from the army after the war was over? A Yes sir.

Q And you got here in '66? A Yes sir.

Q Now, how did you do that? I went from Louisville, Kentucky where I was discharged, to Iowa, and from Iowa to Kansas and from Kansas here.

Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '73.

Q You dont know how long he had been here before that? A No sir.

Q You dont know when he came ~~to here~~? A No sir, except when he came to Big Creek.

(By Davenport)

Q You dont know when the war began? A No sir.

Q Nor when it closed? A No sir.

Q Had Dave Stinger come to your place before Daniel Thompson came on Big Creek? A Yes sir.

(By Smith)

Q Where did you go after you were discharged? A Iowa.

Q Where did you go then? A Kansas.

Q Where did you stop in Kansas? A Neosho ~~falls~~ River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.

Q Did you have any trouble up at Shetopa? A No sir.

Q Were you never arrested in Kansas? A No sir.

Q Do you remember a man named Gage in Shetopa? I dont remember, I am not acquainted with him.

Q Didn't you have any trouble with him and get arrested? A No sir.

Q Didn't he have you arrested? A I dont think so.

Q Don't you know? A I know I wasn't arrested there.

Q Have you ever been arrested at all? A Yes sir.

Q Where? A In the Cherokee Nation.

Q What for? A Cattle stealing.

(By Davenport)

Q What became of that case? A It was taken to Fort Smith and went before the grand jury and they didn't find any bill against me.

(By Smith)

Q Are you a citizen of the Cherokee Nation? A Yes sir.

This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedmen, D-606, and also in S. F. D. cases D-625 and D-626 and their subreferences.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this 17th of October, 1901.



Commissioner.

File with case of David Ward, C.F.-D.#619.

Supl.C.F.-D.#607.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CHEROKEE
Freedmen of ABRAHAM WARD, ET AL., the following supplemental testi-
mony is offered on part of applicants:

APPEARANCES:

Mellette & Smith, Attorneys for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

STEPHEN RIDGE, being duly sworn by commissioner Needles,
testified as follows:

MR. SMITH: State your name? A My name is Stephen Ridge.

Q How old are you? A I am 80 years old.

Q Are you a colored man? A Colored man?

Q Yes? A Yes, sir.

Q Where do you live? A I live in Mound City, Kansas.

Q How long have you lived there? A Oh, about 37 years.

Q In what year did you go there? A I went there in '64.

Q In what time in '64, what season? A Well, I got up there
September 12th.

Q To what place now do you refer? A Mound City.

Q What is your business, what do you do? A Well, I have done
a good many things for a living, but I was employed by the Second
Baptist Church there; that is in '65, in the month of May I took
charge of the Second Baptist church there.

Q In what year? A In '65 in May.

Q Well, in what way did you take charge of it; what did you do?

A I preached the best I knew how.

Q You are a preacher are you? A Yes, sir.

Q Well, did you know a Peter ward there? A Yes, sir, I know him.

Q When did you first get acquainted with Peter ward? A I was
slightly acquainted with him down in Arkansas.

Q When did you first get acquainted with Peter ward? A We was
slightly acquainted as I stated down in Arkansas; no, I will take
that back if you will please, I got little kinds off, I can't keep
memory like I used to.

Q Just tell us when you got acquainted with him? A We was slight-
ly acquainted in the old Territory, wasn't that right; was it.

Q Just stop now and tell us when you first knew Peter Ward?

A Well, I was correct after all.

Q Ever know Peter Ward in Kansas? A Yes, sir.

Q How long had you been up there in '64 before you became acquainted
with Peter Ward? A Oh, I became acquainted with him the first
month I went there; that was in '64.

Q About how long did you know him there in Kansas? A Oh, I
knew him all the while; while he was there until he went away.

Q Well, about how long was that? A Oh, I guess not over a year or
after I got up there; that is as long as we lived together. Well,
if you will let me state it.

Q Go ahead now? A Well, the way this come up; how I got so well
acquainted with him was there as I told you, the church got me, em-
ployed me for a preacher and he was then a member of that organiza-
tion and was a deacon in that church and you recollect we had out
monthly meetings to transact our business there once a month and
of course we had a great deal of business together; that is the way
I became so well acquainted with him. He was both members of the
same church.

Q Do you know what the last business was that Peter Ward transacted there in that church, or when it was? A Yes, sir. He was with us the 17th day of June, '66; that is the last time he transacted business with us.

Q The last time he transacted business with you in the church?

A Yes, sir.

Q What did you do then? A We elected another deacon in his place.

Q What business was it you transacted on the 17th day of June, '66?

A Well, the reason I remember so well about that, I remember being the last, in receiving a member into the church we, he took a stand against it; that is what keeps me in remembrance of it so well, and it was the last transaction in the church.

Q Have you any book or church record? A I have got that first little book we had, but I haven't got it in my pocket; I had it in the forenoon and went down to dinner and thought I wouldn't have no use for it and left it in my valise.

Q By what did you fix the dates of these church meetings and matters that you have talked about?

Mr. Davenport: I object to that unless you get the book up here.

A The first time the church meetings was for a while we always had out church meetings on the Saturday before the first Sunday in the month and then we changed it, I requested the church to change it to Saturday before the Second Sunday on account of the other organization I had joined.

Q Well, after that time in June, '66 that you speak of, what became of Peter Ward; do you know whether he remained in that neighborhood, or did he go away from that neighborhood? A I heard he came to the Territory.

Q Did you ever see him there any more? A No, sir, I never saw him there any more; didn't see him any more--oh, I don't know for several years.

MR. DAVENPORT: Who is this you are talking about? A Peter Ward.

Q What Peter Ward? A Why Peter Ward that's dead, I know.

Q Just Peter Ward? A Yes, sir.

Q Did you ever see more than one Peter Ward in your life?

A No, sir.

Q You saw one in Arkansas? A That is the same one.

Q How many children did Peter Ward have? A Oh, I don't know.

Q Did all his children go away when he did or not?

A I don't know whether they all went away at the same time or not; I know they all left.

Q All left eventually? A I would not swear that.

Q Have you been living there at Mound City, Kansas, continuously since that time? A Yes, sir.

Q Don't you know that one of his family lives up there now and has been since the war; one of his boys? A I don't know; which one?

A I am asking you if you know? A Oh, no, I don't know.

Q What boys do you know? A I know some of the elder ones.

Q What is one of the elder one's name? A There was Harry and Abraham and Squire. I know them all, and he had one named Ben and he had one I won't be positive, but I tell you I know them, and another one was.

Q That is the last time you saw Peter in the church? A Yes, sir.

Q You have been custodian of the church books ever since that time?

A No, no, we had Clerks.

Q Have you been Pastor in charge of that church ever since 1866?

A No, sir.

Q Have you lived in Mound City all the time since that time?

A Yes, sir.

Q Who do you know up there? A I know quite a number of folks.

- Q Do you know J. B. Brown, up there? A What J. B. Brown.
Q Just J. B. Brown is all I know. A I know one Brown.
Q Well, do you know a fellow by the name of J. L. Ward that lives up there? A What is he?
Q He is a white man or Indian? A I know Mr. Ward.
Q Well, do you know B. Osborn? A Buy Osborn, I know him.
Q He lives there in Mound City.
Q Well, do you know C. W. Kingsberry? A There is a man that lives about there, about three miles above Mound City, I know him by name perfectly well, but I never got so well enough acquainted with him to know him when I see his face but I know there is such a man as that.
Q When did you look up that church record to see when the last time Brother Peter Ward officiated with you? A I just looked it up here about a week ago.
Q Where had that book been all the time? A I had it in my possession.
Q You made the entries in the book? A No, sir, I told you we had a clerk and he was not a member of the church and then we had, or rather thought we ought to have a clerk that was a member of the church and then they elected a man by the name of Sam Clark, he is dead now and after he left he left and went down to Iola, or some place.
Q Well you don't know where Ward went after he left there? A I don't know no more than what he said; said he was going to the Territory.
Q When was that? A That was in '56.
Q How do you know it was in '66? A Because.
Q Does your book say that? A Yes.
Q Your book says Ward had resigned because he was going to the Territory? A No, the book don't say so, but I noticed this in order to find out about the time when Peter Ward left there, I remember; I say it was the 17th day of June, as I stated. It was the 17th day of June and when I found I remembered when looking over it, I noticed that that was the last time Brother Ward was there with us to transact business and it was on the 17th day of June, '56; but he never was with us any more after that in our transactions in the church and of course that give me a very good reason to believe that he came right off because he had been talking of it before.
Q You don't know that he moved at once to the Territory? A I don't know; that is, I don't know what day he left on; I know he never was with us in church meeting after that, and I have always believed he came right straight to the Territory because I never saw him any more; after he had been up there in the neighborhood he would have been in the church meetings.
Q You are just imagining that? A I know that because he was a faithful member and never missed.
Q Did your members attend all the time or did some of them backslide? A I could not tell you much about that, because we always had some little back-sliding in the churches and of course we didn't keep track of it all the time.
Q Where was it in Arkansas you saw this fellow? A We met in Hayesville; well, we wasn't well acquainted then as we might have been, but remember when we met here in Kansas that we had met before.
Q Well, where was you living when you met this man at Hayesville, Arkansas? A I was living on Henty creek.
Q In what country? A In the Indian Territory.
Q Are you a Freedman? A I am a Freedman, but I have about give it up because you have took such stands here against us freedmen, and because we lived a little while in Kansas, we could not live here; I have spent about a hundred dollars to get my name on, and did have my name on the Wallace roll and when I come to find it could not find it.

Q Did you get your name on the Kern-Clifton roll? A No, sir, I didn't know when was the proper time, I come too late.

COM'R NEEDLES: Had Peter Ward been talking to you about coming to the Territory? A Yes, sir, he talked it all around there, it was known all over the neighborhood he was coming to the Territory and of course we calculated when he left there that he come to the Territory and I believe that with all my soul.

MR. DAVENPORT: He has been talking to you since you have been down here this time? A We talked a good deal, we always do when we meet; I have been down here several times before since he come, but I didn't meet him after he come down here, I expect it must have been five or six years afterwards. Well, the first time I met him was when I come to get my name in the Wax name on the Wallace roll after he come.

(Application is continued until the witness can send and get the book of which he has been referring.)

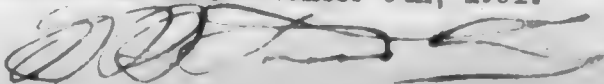
Q In giving your testimony a while go when you referred to your church book, is the name of Peter Ward shown in the book on the date you referred to as fixing the date that he last officiated with you at the church? A No, sir.

Com'r Needles: This testimony will be made part of the record in the case at bar and part of the record in D)608, D610, D-611, D-613, D-425, D-615, D-616, D618, D-619, D-621, D-622, D-623, D-625, D-626, D-605.

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J. G. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 5th, 1901.



Commissioner.

D-619, David Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mollette & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

A. R. WAYNE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A. A. R. Wayne.

What is your postoffice? A. Mound City, Lynn County, Kansas.

What is your age? A. I am 58 years old.

Q Were you in Lynn County, Kansas, during, and the years immediately after the war? A Yes, sir.

Q I will ask you if you know a colored man by the name of Peter Ward? A Yes, sir.

Q Where did you learn to know him at first? A Four miles and a half west and one half mile north of Mound City, Lynn County, Kansas.

Q When? A In 1866.

Q You know whose place he was living on at that time? A I forget the name of the man at that time, in '66.

Q Do you know where he moved, if at all, in '66? A He moved to the farm of Amos Durben, and some call it the C. W. Kingsbury place now.

Q Is Kingsbury his grandson? A Of Durben's, yes sir.

Q How long did he continue to live on the Durben farm? A 8 years.

Q Now by what do you fix that? A The first time that I saw him I know where I was working breaking prairie, and I stuck a thorn in my foot right in there, and I stopped and Mrs. Ward said that the gall of a bee was the best thing I could put on it, and by me breaking prairie I know it was in '66. I know where I was living at that time.

Q How do you fix the next date, three years later, which would make it in '69? A I have a record of the expenses that I had paid out in May, toward the last of May, from the first of January till the last of May, that me and him had a transaction whereby me I paid him \$2.50.

Q Peter Ward? A Yes, sir, the second day of March.

Q Of what year? A 1869.

Q Where was he living at that time? A He was living on the farm of Amos Durben.

Q Do you know any of Peter Ward's children, sons, members of his family? A I know one girl and I know Abraham Ward, Clint Ward, I presume his name is started out we all called him Clint, and George; I believe that is all that I can bring to mine now at the present time.

Q Have one by the name of Barry? A Yes, sir. I think Barry was the second boy.

Q Was there one named Squire Ward? A Yes, sir; I think there was.

Q You recollect it now? A Yes, sir, Squire Ward.

Q There were these children living between the years of '66, when you first knew the father, and '69? A They were living with their father; the boys of course would work around first one place and another wherever they could find work, but there is where they made their home, with their father.

Q Have you seen them since that time, '69? A No, sir. I haven't.

Q Do you know whether he would have them or not now? A No, sir.

Q I don't see how you could know that I gave in this other place.

Q Do you know that one over there (indicating Abraham Ward)?
A Yes, sir, I have seen that gentleman over there, but I can't tell you his name; I know by the looks of him I have seen him.

Q You don't recollect to have seen any of them since '69? A No, sir.

Q How far did you live from them any in '69, from the Durben farm?

A About a mile and three quarters.

Q Well now did you live that far from '66 to '69 to them? A No, sir, in '66 I was living farther off.

Q Well, when did you come up nearer to them? A When I got married in '67; I was married in '67 and I was a little bit closer to them.

Q Well, were you as near in '67 as you were in '69? A Same place.

Q You were as near to them in '67 as you were in '69? A Yes, sir, same place.

Q And you remained on the same place from '69 to '69? A Yes, sir.

Q Now during that time, far from '66 up to '69, did you miss Peter Ward or any of his sons away from up there? A No, sir.

Q Did you have occasion to see them from time to time? A Only upon one occasion to my knowledge that I got to see them except just in passing around; I had one transaction that I was over to their house.

Q Did you see them in the country any place? A Oh yes, I have seen them around.

Q You mean by that, that that is the only time you ever had any personal business transaction with them? A Yes, sir, that is what I mean, personal business transaction.

Mr. Smith: What month in the year 1866 was it you got acquainted with Peter Ward? A Well sir, I can't tell you what month, but then I know it was along in the spring because I was breaking prairie, breaking it with oxen.

Q Did you break any ground except in the spring? A Not the prairie, to my knowledge, I never did.

Q You have been there in that country ever since '62? A I had been there ever since '55.

Q You had been living there some ten or eleven years when you first became acquainted with Peter Ward? A Well, I came there in May '55, and it was '66 when I first recollect getting acquainted with them to know them.

Q Now in what way do you fix the date as in '66 when you first became acquainted with Peter Ward? A I was breaking prairie west of where they lived, and I came up there in regard to my foot; as I said, I had struck a stub in my foot, and I came up there and Mrs. Ward gave me a piece of bee gall to put on it to draw it.

Q Well, did your foot get well? A Well it isn't off, I suppose it did.

Q Well that has been how long ago? A Well '66; that has been 35 years ago.

Q When did you first have any occasion to remember the matter, or date when you first met Peter Ward, or when was that ever called to your attention first after that time? A For the first time you mean?

Q Yes? A Well it was in March, '69, that I had the transaction with him.

Q That had nothing to do, however, with the time you first met him? A No, sir, not to my knowledge, no, sir, just seen them from then in passing around.

Q What I mean to say is, the fact that you had the business transaction with him in March or any time in '69 would not aid your recollection as to the time you first met him, would it? A I don't know as I understand your question.

Q I say there was no connection between your business transaction with him in '69 and the date when you first met him, nothing connecting the two things together; one had nothing to do with the other, did it? A Yes, sir.

Q Well then, now when did you first have occasion to remember that you met Peter Ward in '66? A I just got told the occasion, about

plowing and going up there.

Q I know, but you did a great many things in '66 that you haven't had any occasion to think about since, haven't you? A Yes, sir.

Q What first brought this incident to your mind, that is what I am talking about? A What first brought it to my mind?

Q Yes, or recalled this thing you are talking about in '66? A Well I was asked if I knew a man by the name of Peter Ward.

Q When? A Well I think it was pretty near four weeks ago.

Q Who asked you? A Why I think he was by the name of Keys, J. M. Keys I think, if I am not mistaken.

Q Well now from the time this thing happened up to the time that J. M. Keys asked you about it, you had had no occasion to remember this incident, or the date when you hurt your foot, had you? A No, sir.

Q Now for thirty-five or six years you had carried in your mind the date when you had hurt your foot? A Yes, sir, I know the date by that transaction of breaking prairie, know where I was living.

Q How long did you live there? A At that place, only lived there at that place just one year, working for my brother that year.

Q Now that has been a long time ago, hasn't it? A Yes, sir.

Q Do you think you can swear with certainty it was in '66 and no other time that you met Peter Ward the first time? A Yes, sir, not to my knowledge to know him; I might have met him but not to know him.

Q Do you think you can't possibly be mistaken about the date?

A I know I can't be mistaken in regard to the date of the year.

Q You know that? A Yes, sir.

Q Well now Mr. Wayne, where is your record? A In my pocket in a book.

Q I would like to see that. A (Witness produces book) That record commenced there, January 2, 1869, it goes on down to there, (indicating on book) is Peter Ward, \$2.50; it goes on down to here, to May, '69, \$102.64; I spent during that time \$102.64.

Q When did you commence to keep this book? A Well, I think that book came in my possession in 1868, along in the winter of '68.

Q When did you quit making entries in it? A In regard to my expenses?

Q No, entries at all? A Well I think probably it was away along in the seventies somewhere, might maybe have been late as '76, toward the back there in regard to some Sabbath School records I think, and in that fore part there is some few pages that was in '69, some transactions, and some probably in the seventies somewhere.

Q Mr. Wayne, at the place in this memorandum where the name of Peter Ward occurs, there is no year there, is there? A No, sir, there isn't; there was no provision for the year when I was keeping the account; you will find here it is entered, and it goes on down here, and here it is March first, and March 2, and goes on down, 3, 11, 12, 13, etc.; there was no occasion for it in keeping the record.

Q Mr. Wayne, what is the entry immediately above the name Peter Ward? A (Reading from book) That there is Ben Bronson, a colored man, 25¢; no, it is stamps, 15¢.

Q You are sure that that is stamps? A No, soda, 15¢.

Q Then it isn't stamps? A No, sir, I thought it was stamps, but it is soda instead of stamps; here is stamps below here.

Q Now Mr. Wayne, that line upon which the word, Peter Ward, is written has been erased? A No, sir.

Q Isn't there an erasure on that line? A Not to that knowledge, and I am the only person that has ever had it.

Q Can you read that entry immediately above that Peter Ward, and Peter Ward, as distinctly as you can this entry immediately below it?

A Well there is a part of the Peter there that I can see just the same as I can the other, the same that is below here; here is some oil I believe.

Q That is not the question; are the entries below clearer and more distinct than the word, Peter Ward? A No, sir, not that I

notice till they get way down there, they are about the same.

Q Now then you see there is a part of the Peter that you can read better than the other part? A Well the t there appears to be a little bit plainer.

Q Can you see any e in that Peter? A Yes, sir.

Q Where is it? A Right after the t.

Q If you didn't know what it was could you tell what the remaining letters after the P were? A Yes, sir, that is my handwriting and I would.

Q Now why, Mr. Wayne, is that word Peter Ward blurred, as it appears upon the record? A I can't tell you any more than here: not a bit.

Q You don't know? A No, sir.

Q Did you write the word potatoes on the second page? A Yes, sir.

Q Did you make that P? A Yes, sir.

Q Is that one like this one? A Yes, sir, that one looks like I didn't make it very plain and I taken it again, same as there (indicating) in writing that down it looks as though I had made two cracks on that, and you will probably find the P somewhere.

Q Now Mr. Wayne, sometimes a P is made with one stroke of the pen?

A Yes, sir.

Q Now that P in potatoes is made that way, isn't it?

A No, I don't make a P but very seldom, sometimes I make a P by running down and then back, and sometimes then I make a P by making a straight mark and going around that way (indicating): I make Ps two or three different ways.

Q Now Mr. Wayne, the word Peter there in this book is blurred?

A Yes, sir.

Q It is indistinct? A No, sir, not to my mind it is not.

Q Not as clear as the entries below it? A It is about the same thing here except that P in here, that I see, appears to be a little plainer than that o-t-e-r.

Q Well, do you state that that is as clear as the entries below?

A No, sir, I saw it is not, it is the same as some that would be over here in some other place.

Q Now you didn't use this book since eighteen and what? A Oh I have probably referred to it for some regards in regard to an orchard that I got out, and my little boy that is dead might have got hold of it once, he might have got hold of that book.

Q Where was this book when you were first interrogated about Abraham Ward? A It was in my desk in my room.

Q Do you remember, when you were interrogated as to the time when you had had any business transactions with Peter Ward, without reference to that book? A No, sir.

Q Then you are testifying from that record? A I am testifying from my record in regard to the transaction.

Q Is the record is wrong you are wrong? A Yes, sir.

Q Can you tell me who made the blur, or erasure, if it is an erasure, upon that line upon which appears the name of Peter Ward? A No, sir.

Mr. Smith: If the Court please, I would like to offer the book.

Mr. Hastings: You can't take the book away from the man.

Q Do you want this book any more? A I have some records in regard to some orchards that I would have to have here.

Q If you are willing, we would like to keep it a while in this case, and the commission will return it to you afterwards? A I have no objections, but there is a little paper in there I would like to get out afterwards.

Mr. Hastings: When was this entry made: was it made at the time that it purports to have been made? A Yes, sir, I tried to put them down the night in which they were made.

Mr. Smith: Now the page before, or the second page before this entry of Peter Ward, I notice this date: (reading) January 2, 1882. Is that correct? A Yes, sir.

Q Following that are a great many entries and only the month and the day, is that intended to be that year? A Yes, sir, everything down to May, '89; it tells the date on the opposite page.

Q Opposite page to where you stamped it up? A Yes, sir, to where I stamped it up here, it is three pages over.

Q Well, between the two pages before this and say three pages afterwards, they contain the transactions of that year of '89? A It does, yes, sir.

Q Mr. Wayne, a good part of this record was kept with pencil, wasn't it? A Yes, sir.

Q Has it ever been erased or mutilated other than by wear? A No, sir, not to my knowledge, unless my little boy might have got hold of it.

Q Well, you never mutilated that name of Peter Ward or erased it? A No, sir, I wouldn't have any occasion to.

Q Is that in the same condition that you found it when Mr. Keys made the inquiries of you with reference to your knowledge about Peter Ward? A It is exactly the same.

Q No change has been made? A None whatever.

Commissioner: The book testified about will be filed with the papers in the case.

Commissioner: This testimony will be made part of the record in the case at bar, and part in D-303, D-310, D-311, D-313, D-325, D-315, D-316, D-318, D-319, D-321, D-322, D-323, D-325, D-326, and D-305.

Bruce T. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 15th of November, 1901.

Bruce T. Jones
M. D. Green
Notary Public
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 28th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #807
SUPPLEMENTAL TESTIMONY

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants

By Mr. Hastings: I desire to file a certificate from J. A. Gady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: " Peter Ward, one Female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Gady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

=====
(COPY)

State of Kansas: ss.
County of Linn:

I, J. A. Gady County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: " Peter Ward, one Female dog." said entry is on page 75 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(Signed) J. A. Gady
(SEAL) County Clerk of Linn County, Kansas.

=====
By Commissioner Breckinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants, be filed in the cases to which this case refers and all subreferences thereto as found upon the records of this Commission.

=====
Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this 28th of November, 1901.

Chas von Weise

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith, Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitnair, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Marian Hayden case F. D. 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Marian Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Davis Ward, D 619;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Marian Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Marian Hayden case that judgment for the applicant be allowed within thirty days to file up the proof of any or all of the record other than the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Peter Hudson and others, consolidating the applications of

Peter Hudson,.....	Cherokee Freedmen	D 604
William Hudson, et al.,.....	"	D 603
Peter Ward, et al.,.....	"	D 613
Abraham Ward, et al.,.....	"	D 607
Ben Ward, et al.,.....	"	D 616
Squire Ward, et al.,.....	"	D 615
Sadie Ward,.....	"	D 885
David Ward,.....	"	D 619
George Ward,	"	D 425
Alonso Ward, et al.,.....	"	D 608
Will Ward, et al.,.....	"	D 610
Berry Ward,.....	"	D 611
Lena Ward, et al.,.....	"	D 1117
Malinda Williams, et al.,....	"	D 618

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Peter Hudson for himself; by William Hudson for himself, his wife, Eliza, and his minor children, Emmett, Levi, Wilburn, Ida and Ivory Hudson; by Peter Ward for himself, his wife, Louisa, and his grandchild, Eva Ward; by Abraham Ward for himself and his son, Artes Ward; by Ben Ward for himself, his wife, Sarah, and their minor children, Vannie, Martha, Clarence, Neal and Myrtle Ward; by Squire Ward for himself and his minor children, Joseph, Jennie and Eliza Ward; by Sadie Ward for herself; by David Ward for himself; by Nancy Ward for her husband, George Ward, among others, the other parties to her application, being differently classified, are not embraced in this decision; by Alonso Ward for himself and his minor children, Savannah, Ezra and Elmore Ward, as Cherokee Freedmen, and for his wife, Mahala Ward, as a Cherokee Freedman by intermarriage; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Mahala Ward, as such, will not be passed upon, or con-

sidered in this decision; by Will Ward for himself and his minor children, Gracie and Frances Ward; by Berry Ward for himself; by Lena Ward for herself and her minor child, Roxie Beeson, and by Malinda Williams for herself and her minor children, Monroe and Delois Williams. A copy of the testimony taken at Vinita, Indian Territory, on October 15, 1901, in the matter of the application of Daniel Thompson, et al., is made a part of the record herein.

The evidence shows that the applicant, Peter Hudson, together with his wife, Charity Hudson, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion, but returned thereto prior to January 19, 1867. The applicants William Hudson and Sarah Ward, wife of Ben Ward, are the adult children of Peter Hudson and Charity Hudson. The said William Hudson and Sarah Ward were minors at the commencement of the rebellion and are considered to have acquired the status of their mother, Charity Hudson, and, therefore, to have been the slaves of a Cherokee citizen at the commencement of the rebellion. It appears that they returned to the Cherokee Nation with their parents prior to January 19, 1867.

It further appears that the minor children of said William Hudson, included in his application, were born since 1866 and derive their rights to enrollment through him; that Lena Ward, Roxie Beeson and Vannie, Martha, Clarence, Neal and Myrtle Ward, were all born since 1866 and are the descendants of the said Sarah Ward, nee Hudson. The evidence further shows that the said Peter Hudson, William Hudson and Sarah Ward, nee Hudson, have resided in the Cherokee Nation from 1866 up to and including the date of their applications herein. The said descendants of William Hudson and Sarah Ward, nee Hudson, are considered to have resided all their lives in the Cherokee Nation with the parents through whom they claim.

It further appears that the applicants Peter Ward, Louisa Ward, Abraham Ward and Ben Ward were the slaves of Cherokee citizens at the commencement of the rebellion; that they removed from the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The applicants Eliza Hudson, Eva Ward, Artes Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elnora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, all born since 1866, are the respective descendants of the said Peter Ward, Louisa Ward and Abraham Ward and have no rights as Cherokee Freedmen, except such as they may have acquired through their said ancestors.

The applicant Squire Ward was a minor at the commencement of the rebellion and is considered to have acquired the status of his mother, Louisa Ward, and therefore to have been the slave of a Cherokee citizen at the commencement of the rebellion. It appears that he was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The said Joseph, Jennie, Eliza and Sadie Ward are his descendants, born since 1866, and have no rights as Cherokee Freedmen, except such as such descendants.

None of the names of the persons whose applications for enrollment are denied herein, are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that Peter Hudson, William Hudson, Emmett Hudson, Levi Hudson, Wilburn Hudson, Ida Hudson, Ivory Hudson, Sarah Ward, Vannie Ward, Martha Ward, Clarence Ward, Neal Ward, Myrtle Ward, Lena Ward and Roxie Beeson should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495); and that the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abraham Ward, Artes Ward, Ben Ward, Squire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Sadie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elnora Ward, Will Ward, Oracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of said Act of Congress, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

Chairman.

(SIGNED)

I. E. Needler

Commissioner.

(SIGNED)

J. M. ...

Commissioner.

(SIGNED)

...

Commissioner.

Dated at Muskegee, I. T.,

this JUL 10 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. David Ward,

Chas. I. T.

~~Cherokee~~ F-D-819.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

9 N.D. 614

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 1901

Given under my hand this
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of **SEP 18** 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

Notary Public.

NOTICE!

IN THE MATTER OF the application of David Ward
for enrollment as a Cherokee citizen:

Case No. D 618

To David Ward or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.
Indian Territory, on Oct. 5th at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L B Bell
N. M. Hastings
Attorneys for the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
JUN 3 1901
FILED

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 8 - 1901

Post Office Ammer, D.C.

District COOWEESCOOWEE.

1. Name David Ward

Age 31

Owner's name

Citizenship

Year 1880 Page 126 No. 3151 District Sevo

Parents:

Father Peter Ward - living Citizenship Sevoled

Mother _____ Citizenship _____

2. Name of wife

Age

Owner's name

Citizenship

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by

Stenographer

No. 1
on W. B. Roll as David Ward
on Wallace Roll P. 157 No 3171, Sevo Dist

Ref to D 607

Represented by Mellette Smith, Smith, D.C.

127 1/2

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 21st, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the original testimony of June 8th, 1901, in the
matter of the application of David Ward for enrollment as a Freed-
man of the Cherokee Nation.

Wm V Mellette

Attorney for Applicant.

Cherokee F. #D619.

COPY.

Cherokee Freedmen
2-604, Aa.

Montegee, Indian Territory, July 17, 1903.

V. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson, et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Deeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah Kana, Minora, Will, Gracie, Frances and Berry Ward, and Malinda, Monroe and Delois Williams, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Enc. 1-2.

Commissioner in Charge.

COPY

Cherokee Freedman
D-619

Muskogee, Indian Territory, August 24, 1903

David Ward,

Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, respecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles.

Enc. D-141

Register.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, August 24, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Peter Hudson et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonso, Savannah Kera, Elnera, Will, Gracie, Frances and Berry Ward, Malinda, Monroe and Delois Williams as Cherokee Freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-150

COPY.

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, August 24, 1903.

Edgar Smith,

Attorney for Peter Hudson et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah Ezra, Elnora, Will, Gracie, Frances and Berry Ward, Malinda, Monroe and Delois Williams as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be

-2-

made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-149

Register.

Refer in reply to
the following:
Land.
55270-1904

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

April 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated March 4, 1902, transmitting the record relative to the applications of Peter Hudson, et al, for enrollment as Cherokees Freedmen.

Peter Hudson applied for enrollment of himself; William Hudson for the enrollment of himself, his wife Eliza and their children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson; Peter Ward for himself, his wife Louisa, and his grand-child, Eva Ward; Abraham Ward for himself and his son, Artes Ward; Ben Ward for himself, his wife, Sarah, and their children, Vannie, Martha, Clarence, Neal, and Myrtle Ward; Squire Ward for himself and his minor children, Joseph, Jennie, and Eliza Ward; Sadie Ward for herself; David Ward for himself; Nancy Ward for her husband; George Ward and others who are differently classed and not included in the Commission's decision; Alonzo Ward for himself and his children, Savannah, Ezra, and Elmore Ward and for his wife, Mahala, as an unmarried freedman; Will Will Ward for himself and children, Gracie and Frances Ward; Berry Ward for himself

(2)

Lena Ward for herself and child, Roxie Beeson; Malinda Williams for herself and her children, Monroe and Delois Williams.

The right of intermarried citizens of the Cherokee Nation to enrollment not having been determined, the Commission did not pass upon the application for the enrollment of Mahala Ward. In a decision dated July 18, 1903, the Commission found that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward and Roxie Beeson are entitled to enrollment as freedmen, and the other parties to this consolidated case are not entitled to enrollment as such. The evidence in the case shows that Peter Hudson was at the commencement of the late Civil War a slave of Susie Hudson, a citizen of the Cherokee Nation. He went to Kansas during the war, but the evidence satisfactorily establishes that he returned to the Cherokee Nation and took up his abode therein during the year 1866. He is, therefore, entitled to enrollment.

William Hudson is the son of Peter Hudson and Charity Hudson, deceased. His status is the same as that of his father, and it necessarily follows therefore that he is entitled to enrollment, as are also his minor children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson. His wife, Eliza Hudson, nee Ward, claims that she is entitled to enrollment as a freedman. She is the daughter of Abraham and Caroline Ward, the latter of whom is deceased.

Abraham Ward is the son of Peter Ward. It becomes necessary, therefore, to ascertain whether Abraham Ward by himself or through

(3)

his father was the slave of a citizen of the Cherokee Nation, and if so, whether he left the Nation and returned within the time limit fixed by the treaty of 1866. Abraham Ward claims to have been the slave of Jim and Eliza Ward, citizens of the Cherokee Nation. He says that in 1862, after he had been liberated, he went into the Union Army, General Blunt's Division, as a body servant. In June 1901, he testified that he was 55 years of age, therefore, he was born in 1846, and was 16 years of age in 1862. The record in the case does not show that he returned within the time limit fixed by the treaty, therefore, Abraham Ward, and his son Artes, are not entitled to enrollment, and neither is his daughter, Kliza, who is now the wife of William Hudson, unless they are entitled to enrollment by reason of the status of Peter Ward, father of Abraham Ward.

The record shows that Peter Ward was the slave of George Ward, a Cherokee citizen. He went to Mound City, Linn County, Kansas, during the war, and claims to have returned during the year 1866. The preponderance of the evidence, however, shows that he did not return prior to April 11, 1866, and he is not entitled to enrollment as a Cherokee Freedman, neither is his grand-child Eva, unless it be by reason of descent from her grandmother, Louisa Ward, or the persons ^{mentioned} in the Abraham Ward group: ^

From the record it appears that Louisa Ward, wife of Peter Ward, moved from the state of Georgia, with her husband, to the Cherokee Nation. They appear to have been the slaves of George Ward, a Cherokee. She went to Kansas at the time Peter Ward did and returned at the same time. Her status is, therefore, the same as that of Peter

Ward, and she is not entitled to enrollment, neither is her grandchild, Eva Ward by reason of descent from her or any of the persons mentioned in the Abraham Ward group by reason of such descent.

Ben Ward is the son of Peter and Louisa Ward. He testified that on June, 1901, he was 43 years of age. He was born therefore in 1858. His father claims to have been the slave of George Ward, and he claims to have been the slave of Jim Ward. The record shows that he went to Kansas with his father and returned at the same time. He did not return within the time limit fixed by the treaty and is not entitled to enrollment. His wife, Sarah Ward, is the daughter of Peter Hudson and her right to enrollment and the right of her minor children, Vannie, Martha, Clarence, Neal, and Myrtle Ward, depends upon their descent from him.

The record shows that Peter Hudson and the members of his family returned to the Cherokee Nation prior to the expiration of the time limit fixed by the treaty of 1866, and the applicants last mentioned are, therefore, entitled to enrollment.

Squire Ward is the son of Peter Ward. He testified in June, 1901, that he was "Forty some odd years" of age. Squire Ward, Joseph, Jennie, and Eliza Ward, are not, as heretofore shown with reference to Peter Ward, entitled to enrollment as freedmen by reason of descent from Peter Ward, as the members of Peter Ward's family did not return to the Cherokee Nation prior to February 11, 1867.

Mary Ward, nee Mays, deceased, the record shows, was the daughter of David Mays, and the mother of minor applicants Joseph, Jennie, and Eliza Ward. It is plain that she was a slave in the Cherokee Nation and "belonged to the Whites." From the record the

(5)

minor applicants last mentioned do not appear to be entitled to enrollment by reason of their mother being a Cherokee Freedman, or by reason of descent from their grandfather, David Mays.

Sadie Ward is the daughter of Squire Ward, son of Peter Ward. Squire Ward and Peter Ward not being entitled to enrollment, it follows that Sadie Ward is not entitled to enrollment. David Ward is the son of Peter Ward. He was 39 years of age in June, 1901, and his status is the same as that of his father. He is not, under the record, entitled to enrollment as a Cherokee Freedman.

George Ward, for whom Nancy Ward applied, testified in May, 1901, that he was 36 years of age. He is the son of Peter Ward and if he has any right to enrollment as a freedman it is by virtue of the status of his father. His father not being entitled to enrollment, for the reason that he did not return to the Cherokee Nation before February 11, 1867, applicant George Ward is not entitled to enrollment.

Alonso Ward is a son of Abraham Ward, who is a son of Peter Ward. In June, 1901, he testified that he was 35 years of age. He was born after the close of the war, and the record shows that his father, Peter Ward, and the members of his family, did not return to the Cherokee Nation within the required time. Alonso Ward and his children, Savannah, Kara, and Elmore, are not, therefore, entitled to enrollment as Cherokee Freedmen, and as hereinbefore stated his wife, Mahala Ward, applied for enrollment as an unmarried citizen, and the Commission has not yet passed upon her rights, if any she has.

(6)

Will Ward is a son of Abraham Ward and grandson of Peter Ward. For the reasons hereinbefore stated, Will Ward and his children, Gracie, and Frances, are not entitled to enrollment by reason of descent from Abraham Ward and Peter Ward. Bell Ward, mother of the two minor applicants last named, is "a state woman," and said applicants are not entitled to enrollment by reason of descent from her.

Berry Ward is a son of Abraham Ward and grandson of Peter Ward. In June, 1901, he testified that he was 23 years of age. Consequently, he was born since the close of the war. His father and grandfather not being entitled to enrollment as Cherokee Freedmen, it follows that he is not entitled to enrollment.

Lena Ward is a daughter of Ben Ward and his wife, Sarah Ward, nee Hudson. Sarah Ward is the daughter of Peter Hudson who was a slave of a Cherokee citizen at the commencement of the war. Peter Hudson left the Cherokee Nation during the war, but returned within the time limit fixed by the treaty of 1866, and is, himself, entitled to enrollment.

Lena Ward, the record shows, was born about 1861, within the limits of the Cherokee Nation. Her mother, Sarah Hudson, being entitled to enrollment and she having lived within the limits of the Cherokee Nation all of her life, is entitled to enrollment as a Cherokee Freedman, as is also her minor child, Roxie Beeson. From the record it appears that William Beeson is the father of Roxie Beeson.

Malinda Williams is the daughter of Abraham Ward and the

(7)

granddaughter of Peter Ward. As she was only 20 years of age in 1901, and as her father, Abraham Ward and her grandfather, Peter Ward, are not entitled to enrollment, she is not entitled to enrollment, and her minor children, Monroe and Delois Williams, are not entitled to enrollment by reason of descent from her.

William Williams, the record shows, is the father of these children. He is not a Cherokee Freedman and the children are not, therefore, entitled to enrollment on account of the status of their father.

In view of the foregoing it is respectfully recommended that the decision of the Commission of July 10, 1903, wherein it is held that Peter, William, Elnet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward, and Rexie Beeson, are entitled to enrollment as Cherokee Freedmen, and that the other parties to the case, whose applications they passed upon, are not entitled to enrollment as Cherokee Freedmen, be approved.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

GAF-D

D C 14391-1904.

COPY

WCF

I.T.D. 3264-1904.

DEPARTMENT OF THE INTERIOR,

J.P.

I.R.S.

WASHINGTON.

FHE

April 29, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On August 24, 1903, you transmitted the record in the consolidated Cherokee Freedmen case of Peter Hudson (D-604), et al., including your decision of July 10, 1903, granting the application for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martin, Clarence, Mabel, Myrtle and Lena Ward and Rexie Beeson, and rejecting the application for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artus, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonso, Savannah, Ezra, Minora, Will, Gracie, Frances and Harry Ward, and Malinda, Monroe and Delois Williams.

Reporting April 15, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

It appears that the original application included the name of Mahala Ward, for enrollment as a Cherokee Freedman by intermarriage. In your decision you did not pass upon her rights as such.

Your decision as to the applicants included therein, is approved. The record is returned herewith, and it is desired that you

-2-

render a decision as to the rights of Mahala Ward, who applies for enrollment as a Cherokee freedman by intermarriage.

Respectfully,

(Signed) Theo Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D-604 et al.

Waskagee, Indian Territory, May 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Fannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Benie Hudson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Elias, Sadie, David, George, Will, Gracie, Frances, Harry, Peter, Louise, Eva, Abraham, Arlee, Alonzo, Savannah, Mary and Minnie Ward, Malinda, Monroe and Delois Williams, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on April 20, 1904.

Respectfully,

Chairman

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, May 11, 1904.

Edgar Smith,

Attorney for Peter Hudson et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Berry, Peter, Louisa, Eva, Abraham, Artes, Alonzo, Savannah, Ezra and Elnora Ward, Malinda, Monroe and Delois Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-619

Muskogee, Indian Territory, May 11, 1904.

David Ward,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

(COPY)

D.C. 43318

Vinita. I. T. August 4, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee I. T.

Dear Sir:

In re:

Motion for rehearing in the matter of the application for the enrollment of Peter Hudson, et al, as Cherokee Freedmen, consolidating the applications of

Peter Hudson, C. F. D. 604,
William Hudson et al C. F. D. 605,
Peter Ward et al C. F. D. 613,
Abraham Ward, et al, C. F. D. 607,
Ben Ward, et al, C. F. D. 618,
Squire Ward, et al, C. F. D. 616,
Sallie Ward C. F. D. 483,
David Ward C. F. D. 619,
George Ward, C. F. D. 425,
Alonzo Ward C. F. D. 608,
Will Ward et al, C. F. D. 610,
Berry Ward C. F. D. 611,
Lena Ward et al, C. F. D. 1117,
Malinda Williams, et al C. F. D. 616,

wherein we filed a motion prior to June 26th 1906, for a rehearing in behalf of some members of the Ward family in this case.

We desire to state that on account of the limited time allowed us in which to investigate this case we did not have the opportunity to go into it as thoroughly as we desired and since the motion was filed we have made a thorough examination of this case both in Kansas and in the Cherokee Nation and after a thorough investigation of the case we find that from the standpoint of the applicants, if a rehearing was granted us in this case we would be unable to add any strength to the applicants side of the case.

Abraham Ward informs us that he took his wife to Kansas with him and she did not return until he did and that Amanda Williams certainly must be mistaken. We had Amanda Williams on the stand recently in the Court here and she stated she was born before the war but declared that she was just 24 years of age. Abraham Ward also advises us that he did make a trip down to the Nation in the fall of 1866 together with his father and brothers but did not remain here and that they thought that was a compliance with the treaty and that they did not come again until in the Spring of 1867. The records in Kansas and book accounts at the stores there show them as trading up there for some time after February 11 1867 and the best citizens around Mound City who have not testified in the case advise us that they remember that the Wards were there some time after the 11th day of February 1867, and the people we first interviewed say after thinking the matter over carefully that Peter Wards sons came back to Kansas with him after they visited the Cherokee Nation in the Fall of 1866. The marriage records show a number of them married up in Kansas in 1866 and in 1867.

In view of the situation as we find it and of what Abraham Ward himself now tells us, we do not believe any strength can be added to the applicants case if a rehearing was granted and therefore the motion filed by us in these cases may be dismissed so far as we are concerned or if not in your jurisdiction to dismiss it then we would consent that you recommend that it be denied by the Department.

If motions have been filed by any other Attorneys of course we would have nothing to do with them.

We have just completed a very thorough investigation of this case and have interviewed every person of any prominence around Mound City Kansas who could know anything about the case and after this thorough investigation we deem it our duty to lay this matter before you in the manner that we have so that you might take such action as you deem proper in the case.

Respectfully,

Starr & Patten

Cherokee Freedman
R 281 et al.

Muskogee, Indian Territory, August 18, 1906

Starr and Patten,

Attorneys for Peter Hudson , et al.

Vinita, Indian Territory.

Gentlemen:

Receipt is acknowledged of your letter of August
4, 1906, referring to a motion for rehearing in the
Cherokee freedman consolidated case of Peter Hudson et al.
The contents of said letter have been duly noted.

Respectfully,

L M R

Commissioner

Muskogee, Indian Territory, August 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On April 29, 1904 (I.T.D. 3254-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated July 10, 1903, in the Cherokee freedmen consolidated case of Peter Hudson, et al., D 604, et al, wherein the applications for enrollment as Cherokee freedmen of Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abraham Ward, Artes Ward, Ben Ward, Squire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Sadie Ward, David Ward, George Ward, Alonso Ward, Savannah Ward, Ezra Ward, Elmore Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, are rejected. On June 23, 1906, there was filed with this office by Starr and Patten of Vinita, Indian Territory, a motion for rehearing of said case, insofar as it rejected the above named applicants, to which motion a reply of the Cherokee Nation was filed on July 26, 1906.

In their letter to this office of August 4, 1906 Starr & Patten state that after further investigation of the case they find that they would be unable to add any

Secretary-2

strength to the applicants' side of the case if a rehearing was granted, and, for reasons stated in their letter, they consent that their motion for a rehearing of said case shall be dismissed. Said motion for rehearing, the reply thereto by the Attorney for the Cherokee Nation, and a copy of the letter of Starr & Patten of August 4, 1906, are enclosed herewith, and in view of the statements contained in said letter, it is respectfully recommended that the motion be dismissed.

There was also filed with this office on June 26, 1906, by Thomas & Foreman, attorneys, Muskogee, Indian Territory, a motion for rehearing of the applications of "Will Ward and his four minor children and of Alonso Ward and his three minor children, for enrollment as Cherokee freedmen citizens of the Cherokee Nation."

The record shows that the application of Will Ward for the enrollment of himself and minor children, Grace and Frances Ward, as Cherokee freedmen, is included in the above mentioned case, and the records of this office fail to show that an application has been made for the enrollment of any children of his other than those two. The application of Alonso Ward for the enrollment of himself and minor children, Savannah, Kara and Elvera Ward as Cherokee freedmen, is included in the above named case.

Secretary-3.

The reply of the attorney for the Cherokee Nation to this motion was filed with this office July 17, 1906. There is no claim in this motion as to the discovery of new evidence, or as to the nature of the evidence sought to be introduced at a rehearing, and why it could not be secured, with due diligence, when the case was heard before the Commission, nor is it shown that the motion is not made for the purpose of delay. Said motion and the Nation's reply are also enclosed, and it is respectfully recommended that the same be denied.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Land
72347-1906

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 28, 1907.

The honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter (I .T.D. 3254-1904), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated August 16, 1906, transmitting the motions for rehearing together with the replies of the Cherokee Nation relative to the application of Peter Hudson, et al., for enrollment as Cherokee freedmen.

On June 25, 1906, Starr and Patten, attorneys for the applicants, filed a motion for rehearing in the consolidated case of Peter Hudson, et al., in which the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the applications for the enrollment of Peter, Louise, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alense, Savannah, Ezra, Elmore, Will, Gracie, Frances, and Barry Ward, Eliza Hudson, Malinda, Monroe, and Delois Williams as Cherokee freedmen, was approved by the Department on April 29, 1904 (I.T.D. 3254).

1906,
On July 24, a reply to this motion was filed by
W. W. Hastings, attorney for the Cherokee Nation.

On August 4, 1906, Starr and Patten informed the Commissioner by letter that they desired their motion for rehearing dismissed as they had no further testimony to offer on behalf of the applicants which would strengthen their case. A copy of this letter is enclosed.

The Office concurs in the recommendation of the Commissioner that the motion above referred to, be dismissed.

On June 25, 1906, Thomas and Foreman, attorneys, filed a motion for rehearing in the matter of the application of "Will Ward and his four minor children and of Alenze Ward and his three minor children, for enrollment as Cherokee freedmen."

The application of Will Ward for the enrollment of himself and his minor children, Gracie and Francis Ward, as Cherokee freedmen is included in the case of Peter Hudson, et al., above referred to. The Commissioner reports that he is unable to find any record of an application for the enrollment of any other children of Will Ward than those above mentioned. The application of Alenze Ward for the enrollment of himself and his minor children, Savannah, Ezra and Elmore Ward as Cherokee freedmen, is also included in the case of Peter Hudson, et al.

The reply of the Cherokee Nation was filed on July 17, 1906.

As the motion for rehearing does not show that new evidence has been discovered, or that the motion is made for any

other purpose than that of delay, the Office concurs in the recommendation of the Commissioner that the motion be denied.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

WFO-C

D.C. 7780-1907

Y.P.

I.T.D. 1848-1907.

LRH

DEPARTMENT OF THE INTERIOR, THE
WASHINGTON.

February 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing in the Cherokee freedman case of Peter Hudson, et al., received with your letter of August 16, 1906, and Indian Office letter of January 28, 1907 (Land 72347-06), are denied, in accordance with the recommendations made by you and the Indian Office. A copy of the Indian Office letter is inclosed.

The papers in the matter have been returned to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 6 for Ind. Of.

Cherokee
R 287.

COPY

Muskogee, Indian Territory, March 7, 1907.

David Ward,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in your Cherokee freedman enrollment case, was denied by the Secretary of the Interior February 4, 1907.

Respectfully,

SIGNED *Gams Bixby*

HJC

Commissioner.

Cherokee F
1 281 et al.

COPY

Muskogee, Indian Territory, March 7, 1907.

V. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing filed in the Cherokee Freedmen enrollment case of Peter Hansen, et al., was denied by the Secretary of the Interior February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. KF-64.
LPS

SIGNED *Tams Bixby.*
Commissioner.

Cherokee V
R 261 et al.

COPY

Muskegee, Indian Territory, March 7, 1907.

Starr & Patten,

Attorneys for Peter Hudson, et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion for a rehearing filed in the Cherokee freedmen enrollment case of Peter Hudson, et al., was denied by the Secretary of the Interior February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Ums Bixby*

Commissioner

Encl. R-261-68
HJC

Cherokee J
R 287.

Muskogee, Indian Territory, April 1, 1907.

David Ward,

Wimer, Indian Territory,

Dear Sir:

You are hereby advised that the motion filed by your attorneys, Kappler & Merrillat, for a rehearing of your Cherokee freedman enrollment case, was denied by the Secretary of the Interior, March 4, 1907.

Respectfully,

Acting Commissioner.

LMC

Cherokee
H. 232.

Muskogee, Indian Territory, April 1, 1907.

Kappler & Merrillat,

Attorneys for Peter Ward, et al.,

Washington, D. C.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rodgers,

Acting Commissioner.

Encl. C-104
LMS

Cherokee F.
R 282.

Muskogee, Indian Territory, April 1, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a re-hearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rodgers
Acting Commissioner.

Encl. C-103
JMS

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND.
12182-1907
21308- " (COPY)

March 2, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith motion for review and re-hearing of Departmental decision of February 4, 1907, in denying motion for re-hearing in the Cherokee freedmen case of Peter Hudson, et al., filed in this Office by Kappler & Merrillat, attorneys for Will Ward and his children, who are parties applicant in the consolidated freedmen case of Peter Hudson, et al.

The motion alleges that an injustice has been done the parties in this case, for the reason that their interests have been consolidated with other interests, which are not supported by sufficient testimony, and that these applicants have lost a just right to enrollment by reason of their case having been consolidated with the case of others, and particularly with reference to Abraham Ward.

The motion is supported by affidavits of Cherokee Indians by blood, and others. The Office is of the opinion that the motion should not be granted at this time, and it is therefore recommended that it be denied.

The record in the case is enclosed herewith.

Very respectfully,

G. V. Larrabee

Acting Commissioner.

(COPY)

D.C.13290-1907.

DEPARTMENT OF THE INTERIOR,

Y.P.

I.T.D.7834-1907.

WASHINGTON.

LLB

L.R.S.

March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing of the Cherokee freedman case of Peter Hudson et al., filed in the Indian Office by attorneys for applicants, is hereby denied, as recommended by that office in letter of March 2, 1907 (Land 21308), copy inclosed.

The papers in the matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock.

1 inc. and 3 to Ind. Of.

Secretary.

J.E.F. 3/4/07.

Cher. Fr. R - 288

Cher. Fr. R - 908 - R - 283

Cher. Fr. R - 288

DOUBTLESS, as to husband, George:

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., May 28, 1901.

In the matter of the application of Nancy Ward for the enrollment of herself, husband and three children and one grand child as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, she testified as follows:

- Q Give me your name? A Nancy Ward.
Q How old are you? A 33 years old.
Q What is your post-office? A Coffeyville, Kansas.
Q In what district do you live? A Cooweescoowee District.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A My children.
Q How many children? A Three children.
Q Have you a husband? A Yes sir.
Q Do you want to apply for him; is he a state man? A No sir, he is a Freedman.
Q Well why don't you apply for him; you would as well include him in your application, is he here with you? A Yes sir, he is here.
Q Well, let your family all go together, you agree to that do you? A Yes sir.
Q Com'r: She applies for herself, her husband and three children.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Henry Melton.
Q Is your father alive? A Yes sir.
Q Give me the name of your mother? A Kintie Melton.
Q Is your mother alive? A Yes sir.
Q When were you married? A I was married in 1884.
Q Married to this present husband? A Yes sir.
Q Have you a certificate of your marriage? A Yes sir. (Produces papers)
Q What is the name of your present husband? A George Ward.
Q How old is he? A (No reply)
Com'r calls applicant's husband.

GEORGE WARD, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give your name? A George Ward.
Q Are you the husband of this applicant here? A Yes sir.
Q How old are you? A I am 36 years old.
Q How long have you lived in the Cherokee Nation? A All my life.
Q You claim to be a Cherokee Freedman of your own right do you? A Yes sir.
Q Give me the name of your father? A Peter Ward.
Q Is he alive? A Yes sir.
Q Give me the name of your mother? A Louisa Ward.
Q Is she alive? A Yes sir.

Com'r: The applicant presents a certificate showing that George Ward and Nancy Melton were united in marriage on the first day of January 1884 by the Rev. J. S. Smith, - this is filed herewith.

- Q Give me the names of your three children? A Elmira.
Q How old is Elmira? A She is 15 years old.
Q Give me the name of the next child? A Luther.
Q How old is Luther? A Nine years old.
Q Give me the name of the next child? A Henry.
Q How old is Henry? A 7 years old.

Nancy Ward et al 2

Q These are all that you have to apply for? A My daughter has a child.

Q Your daughter Elmira? A Yes sir.

Q What is the name of her child? A Hattie.

Q Do you call it Hattie Ward? A Yes sir.

Q This daughter Elmira, she is not married is she? A She has been married, but she wasn't of age, and her husband didn't stay with her.

Q Is she living with the husband she lived with? A No sir.

Q Is she living with you, this daughter Elmira? A Yes sir.

Q Does she go by the name of Elmira Ward? A Yes sir.

Q And the child goes by the name of Hattie Ward, A Yes sir.

Q How old is the child? A 8 months old.

Q Is this daughter, Elmira, and her child, Hattie are both living with you? A Yes sir.

Q And all of these children are living with you? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified on

page 140 #1907 Nancy Melton, Cooweescoowee Dist, adopted child

1880 authenticated roll of citizens of the Cherokee Nation examined for husband and name not found;

1896 census roll of citizens of the Cherokee Nation examined and applicant, husband nor children are identified thereon.

Applicant, NANCY WARD, re-called, and further examined;
by Commissioner Breckinridge:

Q Did you draw Strip money in 1896 A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 24 #598 Nancy Melton, Cooweescoowee District.

Husband, GEORGE WELTON, re-called, and further examined,
by Commissioner Breckinridge:

Q Did you draw Strip money? A Yes sir.

Q What district were you in? A Cooweescoowee District.

Q Did you draw Strip money for these children? A No sir.

Q How did that happen? A Well, they claimed their name was got lost.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and George Ward identified on

page 126 #3150 George Ward, Cooweescoowee Dist.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined for applicant's children and names not found;

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on

page 20 #141 Nancy Ward, Cooweescoowee District;

page 167 #111 George Ward, Cooweescoowee District/

Note: Husband of Nancy Ward, number 441, but no evidence that his parents were Cherokee Breckman; son of #170."

Com'r H. is on what is called the "Questioned List" of the Wallace roll.

Q Did you get a out a Cherokee license when you married your wife? A No sir.

Q Just had a preacher marry you? A Yes sir.

Q Do you know to whom your father and mother, or either of them, he

Nancy Ward et al 3

belonged before the war, were they slaves before the war, in the Cherokee Nation? A They said they was, yes sir.

Q Well, they are living now? A Yes sir.

Q Are these children, except the grand-child, all the children of your marriage with this wife? A Yes sir.

Q No adopted children, or outside children? A No sir.

Com'r; Breckinridge: The applicant applies for the enrollment of herself, her husband and three children and one grand child; the applicant is identified on the 1880 roll and on the Kerns-Clifton and Wallace rolls, as a Cherokee Freedman; she has lived in the Cherokee Nation all her life, and her change of name arising from marriage is established by the certificate filed herewith; she will now be listed for enrollment as a Cherokee Freedman; her three children, Elmira, Luther and Henry are ~~identified upon~~ not identified upon any roll, they should all be upon the Kerns-Clifton roll and the roll of 1896, but no doubt is entertained about the rights of these child on through their mother; all of them are minors, and are living now with their mother and father, and when the applicant supplies the Commission with proper certificates of their birth they will be listed for enrollment as Cherokee Freedmen;

As for the grand-child, Hattie Ward; this is shown to be the child of the applicant's child, Elmira; as both the grand-child and its mother are still under the name of Ward, and are living with the applicant and her husband, the application for the enrollment of this grand child is permitted at this time, and the grand child Hattie Ward, said to be now eight months of age, will be listed for enrollment as a Cherokee Freedman, when proper certificate of the birth is filed with the commission.

As for the applicant's husband, George Ward; he is doubtfully identified on the Kerns-Clifton roll and he is identified on the doubtful list of the Wallace roll; he is not identified on the roll of 1880 or on that of 1896, and he is 36 years of age; he claims only through his own rights as a Cherokee Freedman, not having married his wife under a Cherokee license; no substantial evidence is seen at this time to entitle him to enrollment; but for the present he will be placed upon a doubtful card, being classed as a Cherokee Freedman, and the final decision of the Commission will be made known to him at his post-office address.

H.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

H.D. Green

Subscribed and sworn to before me this May 29, 1901.

Commissioner

Commissioner.

REPORT OF THE COMMISSION
COMMISSIONERS OF THE FIVE CIVILIZED TRIBES

FILED
JUN 17 1901

George W. ...

ACTING CHAIRMAN

of the ... being only ... the Commission to the Five Civilized Tribes in connection with the ... and ... in the ... and ... of the ...

[Signature]

... to the ... before the ... of ...

[Signature]

...

EX-107011-00

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8, 1901.

In the matter of the application of George Ward for enrollment
as a Cherokee Freedman.

Supplemental testimony.

Appearances:

Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

George Ward, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A George Ward.
Q How old are you? A 36.
Q What is your post office address? A Coffeyville, Kansas.
Q What district do you live in? A Goowesscoowee district.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Are you married? A Yes, sir, but my family is enrolled.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? It is on the
Kern-Clifton and the Wallace roll.

The 1880 authenticated roll of Cherokee Freedmen examined
and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the
applicant not identified thereon.

- Q You are the identical George Ward who was listed for enroll-
ment with your wife, are you? A Yes, sir.
Q Now what is your father's name? A Peter Ward.
Q Have you got a brother named Abram Ward? A Yes, sir.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q Live in the Cherokee Nation now? A Yes, sir.

Commissioner: The testimony taken in the application of
Abram Ward, who has this day been listed for enrollment as a
Cherokee Freedman on D Card 807, will be made part of the tes-
timony in the case at bar, and a copy thereof will be filed
herewith, this all being supplementary testimony in D card
425, said applicant having been enrolled previously on said
card.

Mr. Mellette: How old were you when your brother returned to the
Cherokee Nation after the war? A I don't know, I was quite small,
I don't remember.

Abram Ward, being duly sworn by Commissioner Needles, testified
as follows:

Mr. Mellette: What is your name? A Abram Ward.

Q Are you the Abram Ward who has this day applied for enrollment?

A Yes, sir.

Q Are you the son of Peter Ward who this day applied? A Yes, sir.

Q What relation is this applicant to you? A Brothers.

Q Did he return to the Cherokee Nation with you and your father
after the war in '87? A Yes, sir.

Q As stated in your case? A Why I was a small boy, not big
enough to know anything about it.

Mr. Hastings: How old a boy when he came along? A George, he
was born in '64, fall of '64, about two years and a half old, some-
where along there.

George Ward - 2.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce S. Jones

Sworn to and subscribed before me this the 15th of June, 1901.

M. H. H. H.

Commissioner.

George Ward, C.F. 10425-

Mollette & Smith, for applicants.
W. W. Hastings for the Cherokee Nation -

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8th, 1901.

In the matter of the application of Abraham Ward for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner W. B. Needles, testified as follows:

Q What is your name? A Abraham Ward.
Q How old are you? A 35.
Q What is your postoffice address? A Wymer.
Q In what district do you live? A Ooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A One boy Artes Ward.
Q How old is he? A 10 years old.
Q Are you a recognized Cherokee freedman? A In part I am.
Q Is your name on the 1860 roll? A No sir.
Q Is it on any of the rolls? A The Kern Clifton and on the Wallace roll.

The 1860 authorized roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1866 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kern Clifton roll examined and the names of the applicants found thereon as follows:

Page 125, No. 3117, Abraham Ward, Ooweescoowee district.

Page 125, No. 3124, Artus Ward, Ooweescoowee district.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 152, No. 3162, Abraham Ward, Ooweescoowee district.

Q Where were you born? A On Baties' prairie.
Q In the Cherokee Nation? A Yes sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Jim and Eliza Ward.
Q Were they Cherokee citizens? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A No, sir, after I was liberated I went into the Government service.
Q Where did you go? A In '68 I went into the Union Army.
Q What regiment? A Blount's Division.
Q Where did you enlist? A I didn't enlist, I was working for the officers, body servant.
Q Where did you go? A Went to Cane Hill, Arkansas, waited on the officers and after that I drove a Government team.
Q When did you return to the Cherokee Nation? A In the spring of '66.
Q Have you lived here continuously ever since? A Yes sir.
Q Are you married? A Yes sir but my wife is dead.
Q Who was the mother of Artes? A Caroline.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A The Adams.
Q Is her name on the 1860 roll? A No sir.
Q Was her name Caroline Adams before you married her? A Yes sir.
Q When did you marry her? A In '65.
Q Where? A Up in Kansas.
Q Did you return with her? A Yes sir, I come on down and then went back in the fall and brought her.
Q How much of a family did you have then? A None, and after that time none were born here.

Q Did you live with Caroline until her death? A Yes sir.

Q Who were your owners? A Jim and Louise Ward.

Q And they were Cherokee citizens were they? A Yes sir.

By Mr. Mellette:

Q Have you a place on the Public Domain of the Cherokee Nation?

A Yes sir.

Q How long have you owned it? A Since '06.

By Mr. W. W. Hastings: The above question as to owning a place is objected to by the representatives for the Cherokee Nation because it does not tend to prove the issue.

By Mr. Mellette:

Q You have never lived out of the Cherokee Nation since your return in '80? A No sir.

By Mr. Hastings:

Q Your father was Peter Ward? A Yes sir.

Q Are you his son? A Yes sir.

Q Are you his oldest son? A Yes sir.

Q You went to Mound City Kansas didn't you? A Yes sir after I quit driving Government teams.

Q That is in Linn County? A Yes sir.

Q Do you know Gusky Brown? A Yes sir.

Q Did you see him in Kansas? A Yes sir.

Q What year did you see him there? A I think it was in '87.

Q You knew Joe Ward? A Yes sir we was raised together.

Q He was your young master? A Yes sir.

Q You saw him in Kansas too didn't you? A Yes sir in '85 when I was driving a Government team he come to our house.

Q Was that after or before the war closed? A Same year that the war closed, I saw him in Mound City and he went up to my father's house. I was living with my father.

Q You were not married then? A No sir, married directly after.

Q What year did you marry? A In the fall of '86, after he was up there.

Q How old is your oldest child? A He is 38 I think it is according to my judgment.

Q What time in the year was that oldest child born? A In September

Q Was he 32 last September or this coming September? A This coming September.

Q That is your best judgment? A Yes, sir.

Q Did you come back with your father, Peter Ward? A No sir not the first time I come.

Q Didn't you testify before that you come back with your father?

A No sir, I went to Fort Gibson the first time and the next time I come down with him.

Q How long after that did you come down again with your father?

A The same year, I come to Fort Gibson in the spring and come back to Kansas and back here again in the fall, with my father.

Q You had married then? A Yes sir.

Q You come down the last time in November? A Yes sir.

Q Who come with you that first time? A Sam Wesley or Rogers.

Q Come through on horse back? A Yes sir.

Q How long did you stay there? A Staid a considerable time, had him folks there.

Q What? A Dewey Hays and Dr. Hays.

Q Well how long did you stay there? A About a month or so.

Q How long after that did you come with your father? A In November

Q You located permanently that last time? A Yes sir, but I was on

Q I think that I went back from Fort Gibson to Kansas the first time.

Q How far did you locate from Snow Creek? A A. 10 or 12 miles.

Q What direction from the mouth of Snow Creek? A Northeast.
 Q How far from the Kansas line? A About 3 miles south.
 Q Who was living there in that country then when you went through from Fort Gibson to Kansas? A Sam Webber, George Maiga, Peter Maiga, old man Sam Webber.
 Q Had they houses there then? A Yes sir.
 Q Had they made a crop of corn that year? A Not much, there was a drought there, that was when I went up the first time.
 Q What time was it when you went up? A In August.
 Q Did Sam and his daddy have a crop of corn in? A Not much, sort of a patch.
 Q That was in '67? A No sir.
 Q Your young master Joe Ward testified that he saw you there in '67?
 A I was traveling up there through that country and saw him the year of the war closing, because he went to my house with me.
 Q Did you ever see Will and John Ward or any of your young masters since the war? A Yes sir.
 Q Where? A On Big Creek.
 Q When? A I had been there about two years.
 Q Did you locate right on the place where you now live? A Yes sir.
 Q And have lived there ever since? A Yes sir.
 Q Is your father living? A Yes sir.
 Q He lived there with you? A Yes sir.
 Q What Cherokees are living along there? A Albert Morris.
 Q Was he living there when you come? A No sir.
 Q How far was Jim Martin living from there when you come there?
 A No sir, he was not living there and the Delawares were not living there either then.
 Q You anticipated that question didn't you? A I know they was not living there then.
 Q What made you answer that question before I had asked it? A I heard some of the people saying that they was up there then and I am telling you right. I thought it was coming and I was going to tell you about it.
 Q Where did you get anything to eat that fall? Get it from these Webbers and Sanders? A We brought some along with us.
 Q Do you know Jess Brown and Tecumseh? A Yes sir.
 Q They were up in Kansas looking after some pension matters weren't they? A I don't know.
 Q Was Sam Webber living in a house up there? A Yes sir.
 Q Was he up there all night with you there? A With Peter Maiga.
 Q That was in August? A Yes sir.
 Q 1867? A Yes sir, latter part of August.
 Q Did old Peter Maiga have in a crop there then? A Yes sir a little one.

By the commission:

Q Is your name not on the 1880 roll? A I don't know, the census taker didn't come there.

Q Did you ever apply to have your name enrolled? A No sir; the census I didn't want because I didn't want to go down there and tried it and that was all that it was necessary to go down there as the way was so bad.

A. Morris, called and swore as a witness before Com'r H. B.

Subscribed as follows for the commission:

J. B. Morris, A. B. Morris.

Q What is your postoffice address? A Claremore.
 Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A I got acquainted with him in the fall of '66.
 Q Do you know if he was a slave? A No sir I dont.
 Q Where did you see him in the fall of '66? A At Fort Gibson.
 Q Have you known him ever since that time? A I saw him after I moved up here to Coconawawee.
 Q How did you happen to see him in Fort Gibson in '66? A He come to Amanda and Ruthe Adairs and was going to take them away and I asked him what he was going to do with them, and he said he was going to take them to his people.
 Q You had never seen him before that? A No sir, he was a stranger to me then.

By W. W. Hastings:

Q He was a stranger to you in '66? A Yes sir.
 Q You had never seen him before that? A No sir.
 Q You didn't witness for him before the Kern Clifton Court did you?
 A No sir.
 Q Do you know how long he staid in Fort Gibson that time? A No sir I dont.
 Q What time did you see him there? A In the fall.
 Q What time in the Fall? A First part of September or the last part of August, somewhere along there.

By the Commission:

Q How did you know it was in '66? A Because I was living right there and notices all the girls that come in there.
 Q You was a young man then? A Yes sir.
 Q You was a government officer also wasn't you? A Yes sir.

SAM WEBBER, called and sworn as a witness by Com'r Needles, testified as follows:

Q What is your name? A Sam Webber.
 Q How old are you? A 58.
 Q What is your postoffice address? A Nivata.
 Q Are you a recognized Cherokee Freedman? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A Got acquainted with him in Kansas during the war? A Yes sir, time of the war.
 Q Do you know when he returned to the Cherokee Nation? A In the fall of '66 was when I first remember seeing him in the Nation.
 Q Where did you see him? A On Big Creek.
 Q He come up there to live? A Yes sir.
 Q Did he have his family there with him? A Yes sir he had his family with him.
 Q Did you know if he was a slave in the Cherokee Nation before the war? A Only what he told me.
 Q Have you known him ever since? A Yes sir.
 Q Has he lived in the Cherokee Nation continuously ever since?
 A Yes sir.

By W. W. Hastings:

Q He settled there right in the fall of '66? A Yes sir, frost was falling.
 Q How long before had you and your family been there? A Not long, I moved down there a short time before that.
 Q About how long before that? A I cant just tell, not a great while.
 Q A month? A That have been a month, I don't remember exactly.
 Q Are you prepared to swear positively that all these people come

down there 33 years ago, in '68? A Yes sir all those I am acquainted with that come.

Q How far did this man live from you then? A 4 miles.

Q He has lived there ever since? A Yes sir.

Q You know he was living there in '67? A Yes sir.

Q You know he was living there in '68? A Yes sir.

Q You are willing to swear that he has continued to live there continuously ever since '66? A Yes sir.

Q Did you know his father? A Yes sir.

Q What was his name? A Peter Ward.

Q He came with his father did he? A Yes sir they came together.

Q And settled in the same neighborhood? A Yes sir.

Q What place in Kansas did you come from? A Linn County, same place they come from.

Q Mound City? A Yes sir.

Q Did you know them there? A Yes sir.

Q Did you go back up there directly after you come down here and settled? A No sir.

Q Did you go back there in '67 or '68? A No sir.

Q Was this man married when he come down there? A Yes sir.

Q Was his wife with him? A Yes sir.

Q How many children did he have then? A I can't tell you how many he had, but he must have had as many as two or three. I can't tell.

Q Did he have any? A If he did, I don't know it.

Q You know he was married though? A Yes sir.

Q Did he live with his father when they first came there? A They both camped there close together.

Q Did they make separate homes? A Yes sir.

Q Had you made a crop there when he came? A No sir.

Q None of you had crops in then did you? A No sir, couldn't, hadn't been there long enough.

Q About how far did they locate from the Kansas line? A I don't hardly know.

APPLICANT recalled and examined by W. W. Hastings:

Q You say Will and John Ward directly after Will got into trouble did you? A Yes sir I saw Will, he come to my house.

Q You had a talk with him? A Yes sir.

Q You told him where you had been? A No sir, not exactly as to where I had been.

Q Talked about old slavery times? A Yes sir.

Q Told him when you had come back? A No sir that question was not asked.

Continuation of the above application reported by B. C. Jones.

Chas. von Weiss, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he subscribed in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weiss.

Subscribed and sworn to before me this 10th of June, 1901, at Nowata, I.T.,

Signed, J. E. Needles,
Commissioner.

(Continued from testimony taken by Stenographer Chas. von Weiss, June 8, 1901.)

SPRING HINDS, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your Name? A George Maigs.

Q What is your age? A I don't know exactly, about sixty some odd.

Q What is your postoffice? A Wimer.

Q Are you a recognized Cherokee Freedman? A Yes sir.

Q Your name on the 1880 roll? A No, sir.

Q You made application to be enrolled? A Done been enrolled, all excepting two witnesses.

Q Do you know Abram Ward, the applicant here? A Yes, sir.

Q How long have you known him? A Ever since he moved on Big Creek.

Q Do you know whether he was a slave before the war? A Yes, sir, he was a slave.

Q Who did he belong to? A Belonged to a man they called George Ward.

Q Do you know whether he went out of the Cherokee Nation during the war or not? A Yes, sir.

Q Where did he go? A Went up to Fort Scott.

Q Did you see him? A No, sir, I just met him up there.

Q Do you know when Abram Ward, the applicant, returned to the Cherokee Nation? A Why I don't know exactly.

Q When was the first time you saw him after the war? A Why it was in the fall of '68.

Q Where did you see him then? A On Big Creek.

Q Was he living there? A Well, he has been there ever since.

Q Was he living there then? A When I saw him, why he just came.

Q Did he have a family with him when he came? A Yes, sir.

Q How many children did he have? A Well, I can't hardly tell you.

Q Have his wife? A Yes, sir.

Q Was he camping there, or had he built a house? A Well, he came in and camped, and built a house.

Q Have you known him since that time? A Yes, sir.

Q Has he always lived in the Cherokee Nation since '68, to your knowledge? A Yes, sir.

Q You were taken out during the war, were you? A Yes, sir.

Q Did you return with Abram Ward? A I returned just a little before he did.

Q You saw him here in '68 in the fall? A Yes, sir.

Q Mr. Hastings: How long had you been back when you saw Abe?

A I don't know exactly.

Q A year or two? A I hadn't been back a year, no, sir.

Q Well, had you put in a crop that year you came back? A No, sir, I hadn't then.

Q Did you have any corn in when he came? A No, sir.

Q Any potatoes in? A I had a patch started to clear out.

Q But you had no corn on it? A No, sir.

Q You didn't plant any that year? A No didn't plant any till it got time to plant it.

Q But had you planted any when this man came down here? A No, sir.

Q George, you don't know anything about dates, pears? A No, sir, I don't.

Q You don't know one year from another? A No, sir, I don't know, of course I am not got no education.

Q Where did you live before the war? A Well, now I lived in the Cherokee Nation before the war.

Q What place in the Cherokee Nation? A Well, as near as I can tell you to tell you the truth, I lived east of a little town they called Dutch Town on a Big Mill, west of it.

Q Who did you belong to? A Belonged to a man they called Nathan

Daniels and Bile Daniels.

Q How far was that from Beattie's Prairie? A It wasn't a great ways, I don't know.

Q What direction was Beattie's Prairie ~~xxxxxxx~~ from where you lived? A To my judgment, it must have been kinder north, , nearabout North.

Q You were up there before the war, were you, Beattie's Prairie?

A No, sir, I don't know that I have ever been to the place.

Q When did you first see Abe? A The first time I saw Abe to recollect him was at Fort Scott.

Q During the war? A Yes, sir.

Q Then you never saw him before the war? A No, sir.

Q You don't know of your own personal knowledge who he belonged to?

A Of course I don't, but I know what he says, who he belonged to.

Q You swore a while ago he belonged to George Ward? A That is what I told you his owner was.

Q You don't know that? A No, sir.

Q You are the son of Peter Meigs? A Yes, sir.

Q Peter Meigs went down before the court to have himself and family enrolled? A Yes, sir.

Q Did you go along with him? A No, sir.

Q He is dead? A Yes, sir.

Q He didn't get enrolled? A No, sir.

Q He has been refused by the Cherokee Nation? A Yes, sir.

Q You know this man, the applicant, has been refused all the time?

A Yes, sir.

Q To the best of your judgment, how many children did he have when you first saw him there, after the war? A I can't hardly tell you, I knew all his children: he had one to my judgment.

Q But you don't know how many more? A No, sir.

Q What was this child's name? A Named Len.

Q He stayed right near you? A Yes, sir.

Q He came down with his father, didn't he, Peter Ward? A Yes, sir.

Q They all came down together and stayed up there? A Yes, sir.

Q I want to know if you are positive about the year that they came in? A Yes, sir.

Q They have lived there continuously ever since that year they came? A Yes, sir, ever since.

Q They never went back to Kansas and left up there? A I believe the old man went back once or twice for food.

Q Not up there to live? A No, they never went up there to live.

Q Are you willing to swear positively about the year they came?

A Yes, sir.

Q That was in 1866, was it? A Yes, sir, '66 we came.

Q Was it 1866? A I can't say whether it was eighteen hundred or not.

Q You are not positive about that? A I can't tell you anything about the dates, and I didn't suppose I would have to know anything about '66 like I do, but my daddy was rushing to get down there to get a place for him to live for his children.

Commissioner: Your daddy knew he had to be there in '66 did he?

A Yes, sir.

Commissioner: Abram Ward applies for the enrollment of himself and his son Artes. He is not identified upon the authenticated roll of 1880 or the census roll of 1880 from an examination of the same, but he is identified upon the Kern-Clifton and the Wallace rolls. His child Artes is also identified upon the Kern-Clifton roll. He avers that he was married to one Caroline Adair, who is now deceased, and makes satisfactory proof as to said marriage. Now Abram Ward and his child Artes will be listed for enrollment as Cherokee

-8-

EX

Freedmen on a doubtful point, waiting further consideration by the Commission. He will be duly notified by mail at his post office address of the decision of the Commission, when arrived at.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce G. Jones,

Sworn to and subscribed before me this 15th of June, 1901.

Signed, F. S. Needles,
Commissioner.

~~Subscribed~~

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce G. Jones

Sworn to and subscribed before me this 25th of August, 1901.

F. S. Needles

Commissioner.

File with Cherokee Freedman D-425, George Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

in the matter of the application of Abraham Ward et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

C. W. KINGSBURY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A C. W. Kingsbury.

Q What is your age, Mr. Kingsbury? A I am 47 years this fall.

Q What is your postoffice address? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City? A Ever since the 12th day of August, 1861.

Q Were you living there in 1865; you have lived there ever since, you say? A Yes, sir, lived there continuously ever since, made that my home.

Q What was your father's name? A My grandfather's name was Durbin.

Q Did you know a colored man in Mound City, Kansas, by the name of Peter Ward? A There was one lived there, yes, sir, by that name.

Q Did you know any of his children? A Yes, sir.

Q Name some of them? A There was Abraham, Berry, Mark, Miner, Squire, Eliza, Ben, Dave, Clint, George; that is all I can remember of them.

Q When did you first become acquainted with this family of Wards? A In the fall of '65.

Q Where were they then? A They lived on a place west of ours.

Q How far was that from Mound City, Kansas? A That was three miles; it is three miles to my place and their place joined right west of ours.

Q Joined your place on the west? A Yes, sir, their place cornered with ours on the northwest.

Q How long did they continue to live from '65 in that immediate vicinity about Mound City? A From '65, in the fall of '65 I think, and then in the next spring they moved, taken a lease on the old gentleman's place, my grandfather's.

Q What was his name? A Amos Durbin.

Q That was in the spring of '66? A In the spring of '66 they moved onto our place.

Q When you say our place you mean your grandfather's? A Yes, sir, I mean the Durbin farm now, it is where I live now.

Q Now how long did they continue to live on that farm? A They took a lease on our place for four years, to clear up some timber lands, and they lived there three years and in the fall of '68 the old gentleman left, that is, he said he was going down to this country, that was in the fall of '68, and the remaining year of the lease, he asked the old gentleman, that is Mr. Durbin, to let one of his boys live there the year of the lease out, and Mr. Durbin told him that he was welcome to stay on the place till his time was out, but he didn't want him to stay out to anybody, and Peter Ward said all right.

Q They gave up the last year? A Yes, sir, they gave up the last year.

Q And they lived there for three years from '65, as I understand it? A From '65 to the fall of '68.

Q Was there a hard built up old Durbin farm in the location? A There was a stone barn built there in '66.

Q How do you know it was built there in '68; have you anything else besides your own memory? A Yes, sir, the boss mechanic, A. J. Ranney on finishing the work he placed a rock up over the door with his initials and the year it was erected in.

Q Do you know whether these people were there after the building of this year or not, living there? A Yes, sir.

Mr. Mellette: I think that is a very leading remark.

Q Well now how do you know it? A Mr. Ward was farming our place besides this land, he stored some wheat on our place and he stored some whear and in the fall of '69 he left some whear in our barn and the next spring he came and got it.

Q You know where he was the next spring, where he was living? A He said he had moved down to this countr that is what he said and we supposed he had.

Q Have you seen him since? A I have not; one of his boys was back there since, Abe, but what year I don't remember.

Q What is your occupation? A I am farming and stock raising.

Q You have mentioned a number of Peter Ward's family; did they all leave when Ward left, or about that time? A About that time; I can't say for sure whether the older boys left a short time before or a short time after, but I remember Uncle Peter going away at this time that I spoke of.

Q You remember Abraham Ward living there? A Yes, sir, he lived there every time when he was there, the boys were all at home on the place there.

Q Is your grandfather, Durbin I believe, is he alive? A Yes, sir, he is living, he is quite an old man, he is 88 years old.

Mr. Mellette: I didn't get your name? A C. W. Kingsbury.

Q What is your postoffice? A Mound City, Kansas.

Q How old are you? A I am 47 this fall.

Q How old were you in '66? A In '66 I was 12 years old, I was born in '54.

Q Did you, as a 12 year old boy, pay much attention to dates?

A What do you mean, in what way do you mean?

Q Well I mean exactly what I said? A Well this time that I spoke of, of knowing when Uncle Peter took this lease on our place; this place that he moved onto our place from belonged, when he took the lease on that, to a man named Corbin, and he built a house.

Q Now are you going to answer my question? A Yes, sir, what is it?

Mr. Hastings: If you want to tell him how you get at this date, go on and tell him.

Mr. Mellette: I asked you if, as a 12 year old boy, you paid very much attention to dates? A I remember that distinctly.

Q When were you first asked to appear as a witness in this case?

A I think there was a gentleman at my house twice, the last time I don't remember when, but I think it was along the last days of last month.

Q How long was it after Peter Ward and his family left Kansas, that that man came to you and asked you about these facts? A It was from '69 until 1901.

Q How long is that? A From '69 would be 32 years, if I am not mistaken.

Q Do you remember back then 32 years to the time when you were a 12 year old boy and remember the years that these colored people leased the land? A I do.

Q And when they moved off? A Yes, sir.

Q Where were you living at that time? A I must have lived on the place, I was living the same place I live now, three miles west of Mound City, in Lyon County, Kansas.

Q Is that the only date you can remember about things that took place at those days? A No, sir.

Q You have lived in one spot all the time? A I have lived continuously, that has been my home on that farm since '61.

Q What impresses the fact on your mind as to when these people lived on that land? A As I said, Mr. Ward was living on a farm that

belonged to Corbin and he had put up a house there, a log house, he wanted to move that house over onto the old gentleman, my grandfather, and my grandfather objected and told him he had better go down in our timber and cut logs and built a house.

Q You know of that? A Yes, sir.

Q You remember that conversation 32 years ago? A Yes, sir.

Q You are giving the exact conversation that you heard 32 years ago?

A I remember the contract and the conversation.

Q Were you a business man at that time? A Well, I wasn't, I don't suppose, considered so legally.

Q Did you conduct business at the age of 12? A In the way of leasing land I didn't, and Mr. Alexander came out from Indiana in the fall of '65 and bought the land then, this land that this gentleman, Mr. Ward, lived on, and then in '66 P. D. Alexander moved on the farm and lived there until the time of his death.

Q Now is it not a fact that Peter Ward and his family left your grandfather's place in '66 because they understood they could get a home here by coming in 1866, that they departed at that time? A I don't think it is.

Q Well, what do you mean by saying you don't think it is? A Well I mean that he lived three years of this lease out there on the farm, that is, living three years on the farm.

Q Was there any particular reason for your remembering that for 32 years, the time that these people when on your grandfather's farm?

A The thing that calls the memory to the time was the fact that Alexander bought the place.

Q And you remember the year he bought the place? A Yes, sir.

Q Do you remember this by talking to your grandfather or somebody else or have you retained it in your own memory? A I have retained it in my mind, by talking to Alexander during his life time.

Q You have retained it by talking to Alexander? A Yes, sir.

Q You are testifying by what Alexander told you? A I know he came there in '66.

Q I want to know if you are testifying about these dates by what Alexander told you? A I am not.

Q What made you say you remember it by talking to Alexander in his life time? A I remember him moving there in '66 same as I remember I moved to Kansas in '81.

Q Then if Peter Ward and Abraham Ward and the rest of the Wards swear they left Kansas in '66 they are mistaken, are they? A I don't know what they testified to..

Q Who else lived on your grandfather's place after the wards moved off? A At the time they lived on the place there, at one time, not all the time, there was a man by the name of Anderson Turk.

Q When did he move on the place? A He moved on the place sometime in '65, he had been on the place I think a year.

Q When did he move off? A He moved off the place, let's see, about '75.

Q Well, are you swearing he moved off in '75? A He moved up north and bought a place up north, he lived on the place 12 years and moved there in '65.

Q What year did he move off? A About the year 1875.

Q You swear that, do you? A Yes, sir.

Q Who lived on the place besides that man? A Why George Brown lived there.

Q When did he move on the place? A He didn't rent, he just simply rented a room from Anderson Turk and lived there.

Q When did he rent the room? A Why it was sometime, it was in '67 or '8, I am not sure which.

Q Well, which is it, '67 or '8, just as much reason for you to remember that as there was about Peter Ward?

Mr. Hastings: Don't argue that question.

Q What year was it that that man lived on the place? A '67 or '8. I am not sure which.

Q Why can't you remember, if you can remember what Peter Ward moved

on the place and when he moved off? A Brown lived there just a short time and by permission of Anderson Turk.

Q When did he live there? A I think one winter.

Q You don't know when he went on and when he went off? A In the fall season he went in and just wintered there one winter.

Q Who lived on this place in 1876? A There was no one in '76, nobody then but our own folks.

Q Who cultivated it? A The old gentleman.

Q Anybody else ever live on that place? A How do you mean, since '66? A Yes, sir, since '66? A Yes, I think Uncle Ben Ward lived on the place.

Q When did Ben Ward live on the place? A He lived on the place I think it was, let's see, about '87.

Q Now was it about '67, or was it '67? A I am not sure whether it was '67.

Q Why can't you remember when Ben Ward lived on the place? A I am pretty sure it was '67 when he lived on the place.

Q Do you swear positively it was '67 when he lived on the place?

A I am pretty sure of it, I am not positive.

Q Might have been '66? A No, it wasn't '66, because my recollection is that he moved on the place after Uncle Peter did, took mother lease.

Q It was '67 then? A Yes, sir.

Q Might have been '68? A Yes, it was either '67 or '68, was either of the two years, it was a year after Uncle Peter moved.

Q You want to be understood as swearing positively that Uncle Peter Ward moved on the place in '66? A Yes, sir, spring of '66.

Q And you were a 12 year old boy at the time? A Yes, sir.

Q Don't you think you have a remarkable memory? A I never considered my memory as anything extra.

Commissioner. Mr. Kingsbury, Mr. Hastings asked you your father's name and you gave your grandfather's name; why did you not give your father's name when he asked you? A My father was in California and my grandfather raised me, I have been living with him ever since I was 7 years old, ever since; my father is dead now.

Mr. Hastings: I had talked to you about your grandfather's place?

A Yes, sir, that is the place that I live on now, and this family lived on it my grandfather's now, he is still living, he is quite an old man.

BYRON OSBORN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Byron Osborn.

Q Mr. Osborn, how old are you? A 49 years old.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City, Kansas? A Well sir, my father settled there in '54, March 20.

Q Have you lived there since that time? A Well, that has been my home, I have been away a year or so at a time, was back in Illinois a couple of years and I was out in Colorado about the mountains about 12 or 14 months.

Q Well, where were you the three or four years after the war? A I was on our place, home.

Q How far was your place from Mound City, Kansas? A Three miles.

Q What direction? A Southwest.

Q How far was that from the Durbin farm? A Well, it is about two miles and a half I should judge.

Q Do you know Mr. Kingsbury, who has just left the stand?

A Yes, sir.

Q He a grandson of Durbin? A Yes, sir.

Q Did you know a colored man by the name of Peter Ward? A Yes, sir, I used to know Mr. Ward.

Q Did you know any of the members of his family? A Yes, sir.

Q Give me the names of some of them? A I know of Abe and I know Berry and I know Squire Ward, that is about all that I know, he had

other children but I wasn't acquainted with them, I think he had some girls I wasn't acquainted with.

Q When did you know them? A Well, sir, it was along I think the latter part of summer, they lived in there.

Q About how long did you continue to know them? A Well, the best of my recollection is that I knew them I think probably eight or nine or ten years.

Q U mean did you know them after the war? A Yes, sir.

Q How long after the war did you know them? A Well, I should judge it was, to the best of my recollection, I think it was probably five or six years after the war, four or five maybe, sometime after the war, but I can't state how long.

Q Do you know where they were living? A Yes, sir.

Q That place? A They were living on Mr. Durbin's farm.

Q Do you remember where they went when they left there? A Well I don't know positive, only I have understood they came to the Indian Territory.

Mr. Bellette: How old are you? A 49 years old.

Q How old were you when the war closed? A Well I guess I was about 12 or 14 years old.

Q Now who did you first talk to about knowing anything about these people? A Mr. Keys.

Q Mr. Keys came up into Kansas, didn't he? A Yes, sir.

Q Found you? A Yes, sir, he asked me did I know the Wards and I told him I did.

Q Well was that the first time that anybody had ever talked to you about when the Wards left that country? A Yes, sir.

Q That has been about 32 years ago, hasn't it? A Well it has been a long while, I don't know just how long.

Q You were a boy about fourteen years old? A Yes.

Q Do you think you can remember back to your boyhood days and swear positively when Peter Ward left that country? A I don't swear positively.

Q How far do you swear positively? A Well I know that he was there sometime after the war.

Q You know he was there sometime after the war? A Yes.

Q Can you remember the war events and the succession of facts as they happened thirty years ago when you were a boy? A Well some things I can.

Q Well, do you think this is one of the things? A Well I remember that Mr. Ward lived there, he had a boy by the name of Abe who used to work for my father sometime after the war, he worked on our place, but I can't say positively what year it was.

Q You don't know when he worked on your father's place? A I don't know what year it was, it was sometime after the war, quite a while.

Q And you don't know when he moved to Mr. Durbin's place? A No, sir.

Q Can't you remember the year he worked on your father's place?

A No, sir, not positive.

Q When did they stop fighting up there in Kansas? A Along about, I think the last fight they had was when Price went through, I think the latter part of '63 or '65, along there.

Q '66, was it? A Or '65.

Q You say they had a fight up there the latter part of '65, that Price went through there? A No, I didn't say '65.

Q The latter part of '65 or '66? A The latter part of '66 or '65.

Q The latter part of '66 or '65, you say that? A I saw either the latter part of '66 or '65, sometime along in there that Price went through there.

Q Don't you know that Price made his raid through there in '63?

A No, I don't hardly believe he did.

Q And don't you know that General Lee surrendered to General Grant in April, 1865, and that there wasn't any fighting any place after April, '65? A Well, it might be, but the war wasn't closed entirely.

till about '65.

Q Yes but you say Price made his raid through there in '65 or '66?

A I meant '64 or '5.

Q What made you change? A Well, I just made a mistake.

Q Who talked to you after you came? A Nobody.

Q Well Mr. Hastings here consulted you, didn't he? A He asked me some questions.

Q Was Mr. Kingsbury present? A Yes, sir.

Q Who else was present? A There was lots of gentlemen there.

Q All you witnesses who came down in that case were present and talked to together? A Well they asked me some questions.

Q Now when you were being consulted you and Mr. Kingsbury and the other witnesses in this case were all sitting in the room and heard what went on here? A I think maybe I did hear a part of Mr. Kingsbury's testimony, I wasn't in there all the time, I don't know anything about when Mr. Ward left that country, I can't swear positive, but I am satisfied that he was there several years after the war closed.

Q But then if you think that Price made his raid through there in '65 or '66 you may be mistaken when the war closed? A I meant '64 or '65.

Q Do you say that Price did make his raid through there in '64 or '5? A I wouldn't say positive.

Q You wouldn't say positively about that? A No, it seems to me it was in that time.

Q You were a boy? A Yes, I was a boy.

Mr. Hastings: You were summoned here as a witnesses on the part of the Cherokee Nation, weren't you? A Yes, sir.

Q I consulted you with a number of other witnesses down there?

A Yes, sir.

Mr. Mellette: How were you summoned here on the part of the Cherokee Nation? A By subpoena.

Q Who served the subpoena on you? A Mr. Campbell left it at my farm.

Q Who is Mr. Campbell? A His name is Nave Campbell.

Q Where does he live? A He lives in Mound City, Kansas.

JOSEPH L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Joseph L. Ward.

Q What is your age, Mr. Ward? A 56.

Q What is your postoffice? A Maysville, Arkansas.

Q You live in the Cherokee Nation side there? A Yes, sir.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q Mr. Ward, what was your father's name? A James Ward.

Q Did your father ever own a colored man by the name of Peter Ward?

A No, sir, my grandfather owned him.

Q You know Peter Ward then? A Yes, sir.

Q Before the war? A Yes, sir, he married a negro woman my mother owned.

Q He had some children? A Yes, sir.

Q You remember any of their names? A Yes, sir.

Q Well, give us some of them? A Abraham was the oldest, Berry, Margaret, Miner, Squire, Eliza, Dave, and Clint, is all they had when they left there that I know of, that I remember.

Q Did they live there when the war came up? A Yes, sir, in '63 as well as I can remember.

Q Did you ever afterwards see them? A Yes, sir.

Q Where did you next see them? A In Mound City, Kansas.

Q When was that? A In the fall of '65, October.

Q Now when did you next see anyone of this family? A The next time one of them was here in Visitation just after that payment, the first payment of the Cherokees. I don't remember the exact date.

- Q You don't remember the exact date? A No, sir.
- Q It wasn't this last colored payment? A No, it was the first payment that was had after the war.
- Q You don't remember the date of that payment? A No, I don't remember the date.
- Q Was this railroad through here at that time? A I think so.
- Q Well, which one of them did you see at that time? A Abraham.
- Q Did you have any conversation with him? A Why yes, he told me that he didn't get any money, that he came too late.
- Q He say where he was living at that time? A Living out here on Big Creek, up here in Cooweescoowee.
- Q You remember when he said he came? A No, I don't, positive, it seems to me he told me he came here in '69, that is my best recollection.
- Q Did you see any other members of the family at the time? A No, sir, not that I remember.
- Q Have you talked with any of them since that about it? A No, sir.
- Q You live quite a distance from them? A Yes, sir, I live about fifty miles southeast of here, and they live northwest.
- Q You don't remember the date of that payment? A No, I don't remember the date of it, somewhere in '70 but I don't know exactly what date it was.
- Mr. Mellette: Well, did any of the colored people get the payment at that time? A I don't know, I don't think they did.
- Q Don't think any of them got it? A I don't know, I don't remember, of course I can't state.
- Q You wouldn't swear that he told you he came here in '69, positively? A Not positively, but that is my best recollection.
- Q Well, that has been a long time ago, hasn't it? A Yes, sir.
- Q You ever been arrested? A I don't know that that cuts any figure in the case.
- Com'ssioner: Please answer the question.
- A Why yes.
- Mr. Mellette: What were you charged with? A I was charged with charging an unlawful fee in a pension case.
- Q That all? A And detaining pension money.
- Mr. Hastings: What was done with the case, Mr. Ward? A Dismissed.

JOHN L. WARD, being duly sworn by Commissioner Needles, testified as follows:

- Mr. Hastings: What is your name? A John L. Ward.
- Q What is your age, Mr. Ward? A Age is 50.
- Q What is your postoffice? A Maysville, Arkansas.
- Q You are a Cherokee citizen by blood? A Yes, sir.
- Q You live on the Cherokee side of the line? A Yes, sir.
- Q What was your father's name? A His name was James Ward.
- Q Did you know a colored man by the name of Peter Ward? A I did when I was a boy, I haven't seen him since.
- Q Did he have some children? A Yes, sir.
- Q You remember any of their names? A Yes, I recollect most of their names, there was Margaret and Abraham, Louise was the old lady's name.
- Q We want to identify the family, name some of them? A Margaret and Abraham and Berry and Miner and Ben I think and Dave and Elize and Clint.
- Q Did you ever see any of them after the war? A I never saw but one of them; yes I have seen them too, I seen Squire here the last Court, one they call Dick or Squire.
- Q Well which one did you see first after the war? A That was Miner.
- Q What was her name then? A Now I think she called her name.
- Q Where did you see her? A Up here between Barn and Chatopa, Big Creek I think it was.

- Q Between here and Chatopa? A Yes, sir.
- Q In what district? A In Cooweescoowas I guess.
- Q Did you have any talk with her? A Yes, sir.
- Q About when was that talk? A Sometime in the sixties, '65 or '6 or '7, somewhere along there, I don't recollect just the year.
- Q Now think over the date, do you mean '60? A '70 I mean '70, something in '70, I have got it wrong, '60 I said, it was sometime in '70.
- Q You say it was sometime in '70? A Yes, sir.
- Q You know whether it was before or after this railroad ran through here? A Yes, sir, it was after this railroad ran through here.
- Q This M.K. & T.? A Yes, sir.
- Q Well, what conversation did you have with her? A We stopped there where she lived and she called up a couple of boys that she had and she told me their names, she called one of them Grant and the other one Sherman, and ~~xxxxxx~~ then she sent a crazy negro down in the field for her husband, and she said she wanted to know what they were going to do about them, she said they got back too late; I said I didn't know what they were going to do, and that is about all the conversation I had; I asked them about the family, where they lived; they were all around there except one of them, there was one had never come back, that is my recollection, I don't know which one now.
- Q Who was with you at the time? A Will, my brother, we had been up to Coffeyville with some apples and came back by there and stopped.
- Q Mr. Mellette: You say you asked them about the family? A Yes, sir.
- Q Talked a good while with them I suppose? A We stopped there about half an hour or an hour.
- Q Where did she say her father was? A He lived there somewhere.
- Q Where? A Up here about Big Creek.
- Q Where did she say Abraham was? A He was there.
- Q Where? A Up in there, right close there, I was asking how they all were getting along.
- Q How many years ago has that been? A Along in '70 sometime.
- Q '70 when? A Between '75 and '77.
- Q What made you say it was in '60 first? A I just miscalled it.
- Q Wasn't it in the sixties? A No, sir.
- Q Don't you know it was in '66? A No, sir.
- Q Between '66 and '7 and '8? A It wasn't in '66.
- Q Why wasn't it? A Because this railroad was built through here.
- Q When were you first called upon to remember this? A Well, it was down here in this rock house down here.
- Q How long ago? A I don't remember.
- Q When Mr. Wallace made this roll? A No, sir.
- Q When Mr. Kern and Clifton made the roll? A It was when this negro attorney was down there, I don't know his name.
- Q How long ago? A I don't remember just now.
- Q About how long ago did you first remember that she said she was too late? A It was when we were up there, is all I know about it.
- Q About how long ago, I want to find out when it was? A The reason I think it was about seventy, because I was married in '78 and it was before I was married.
- Q How many years before you were married? A Two or three.
- Q Two or three? A I don't remember just exactly, it was so long ago you can't recollect, I can't recollect the exact dates.
- Q That is what I am thinking about, unless I have something to impress it on my mind; nobody called on you to remember what they said for twenty or thirty years afterwards? A No, I wasn't called on until I was summoned here before this court.
- Q This time? A No, that other time.
- Q What time was that? A I don't remember; you may recollect the date Mr. Hastings.
- Q Who were making the roll at that time? A Hastings and Thompson and there was a negro there, an attorney, I forget his name.
- Q You can't give any idea when that date was on you; why can't you remember the date you were first called on to testify to this fact

as well as you can remember when she told you she came here too late?

A I never paid much attention to it.

Q Did you pay much attention to when she said she came here too late? A Yes, I recollect by the trip we made and I got to counting it up.

Q After thirty years you got to counting it up, did you? A It wasn't thirty years.

Q Well, twenty? A Let's see, it was over thirty years I guess.

Q It was over? A It was in seventy something.

Q Well how many years has that been? A Well I can count, this is 1901, you can count yourself.

Q Why I am not going to do it, I asked you how many years it was?

A Thirty years from seventy, and then it was along in '70, well I don't recollect just exactly the year though, it was before '77, sometime between '70 and '77, I don't remember just exactly the year, I don't propose to swear something I don't know.

Q Well you give it up then, you can't tell how many years it has been? A I don't recollect the exact year.

Q And you can't tell the year you were down here in the rock building and when Mr. Hastings and Mr. Thompson were making the roll? A No, I don't recollect the exact year.

Q Was it 1895? A I don't remember.

Q 1890? A (No response.)

Q Was it 1890? A No, sir, it wasn't then.

Q When was it? A I don't know just when, I don't recollect the year.

Mr. Hastings: That was the first time you had seen these old slaves since the war, when you had this conversation? A Yes, sir, and then during this Court I was sworn when I was up here last Court.

Q Are you summoned here as a witness this time? A Yes, sir.

Q Were you summoned when you testified before when I represented the Nation in part? A Yes, sir.

Q You remember Mr. Thompson was a member of the Court at that time? A Yes, sir.

Q You remember the other two members of that Court? A I don't recollect them.

Taking of testimony continued by stenographer J. O. Rosson.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of October, 1901.

[Signature]

Commissioner.

Continuation of taking of testimony in case of ABRAHAM
WARD, C.F.-D.#607.

Former portion taken by Stenographer
Bruce C. Jones.

APPEARANCES:

Mr. Mellette, of Counsel for applicant;
Mr. W. W. Hastings, of Counsel for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles,
testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A L. B. Bell.

Q Age? A 62; Vinita.

Q Mr. Bell, when was this railroad, M. K. & T. railroad, built
through this country? A '71.

Q When was that first Cherokee payment made after the war? A '75.

Q Do you know whether colored people and all participated in that
payment or not? A Yes, every Cherokee citizen and whole lot
that wasn't.

Q That was a general payment? A Yes, that was general payment
intended for relief fund for all people living in the Cherokee Nation

MR. MELLETTE: Did any colored people get pay at that time?

A Yes, I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called, testified as follows
in his own behalf:

MR. MELLETTE: What is your name? A Abraham Ward is my name.

Q Are you the Abraham Ward who is an applicant for enrollment as a
Cherokee Freedman? A Yes, sir.

Q Did you know J. L. Ward who has just testified in this case?

A Yes, sir, I know him.

Q Did you ever make a statement as testified to by him that you
came here too late to become a citizen? A No, sir, I did not.

Q Did you make statement, as testified to by him, that you came
back in '69? A No, sir.

Q Did you hear the testimony of John Ward, the last witness?

A No, sir.

Q Did you hear his testimony? A I heard it yes, sir.

Q Did you hear a statement being said of yourself, mother or
sister to him? A Yes, sir.

Q Where is that sister? A She is dead.

Q How long has she been dead? A About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward
after the war? A I saw him when the Cherokees drew that general
payment, what called bred money.

Q What year was that? A I don't remember just what year it was.

Q Well, that is strange? A It was in '70 though I think.

Q Where did you see him? A '78 or '9; saw him right here at Vinita

Q '78 or '9? A Yes, sir.

Q Along there; saw him here at Vinita? A Yes, sir.

Q You didn't talk with him? A Yes, we was talking about our
boyhood times.

Q Talked to him where you had been? A No, sir, he knew where I
had been.

Q He was your young master? A Yes, sir, he and him was about one
age.

This Testimony will be made part of the record in cases
D.#608, D.#610, D.#611, D.#613, D.#625, D.#615, D.#616, D.#618,
D.#619, D.#621, D.#622, D.#623, D.#624, D.#625, D.#626, D.#628

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J. O. Reason, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

Subscribed and sworn to before me this 1st day of October, 1901.

Commissioner.

Sworn to and subscribed before me this 21st of October, 1901.

FILED
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Time and complete transcription of his statement and notes thereof.

Proceedings and testimony in the above case, and the foregoing is a
the declaration to the same qualified copies he correctly recorded the
Brice C. Jones, being duly sworn, says that as stenographer to

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file with Cherokee Freedman, D-425, George Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JOHN B. BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John Brown.

Q J. B. Brown? A Yes, sir.

Q What is your postoffice? A Springer.

Q That in the Territory? A Yes, it is in the Territory.

Q You are a Cherokee Indian by blood? A Yes, sir.

Q What is your age? A I am 52.

Q You married a Choctaw, or Chickasaw? A Married a Chickasaw.

Q How long have you been down there? A I moved down there about two years ago.

Q When did you come back to the Cherokee Nation after the war?

A We landed back in the Cherokee Nation in the fall of '65.

Q Where did you live during the year of '66? A We were down there on Grand River.

Q Where did your father live in '67? A He was on Pryor Creek, I think he lived on Pryor Creek.

Q Do you know a colored man by the name of Peter Ward, and Abraham Ward? A Yes, sir.

Q When did you first see them after the war? A To the best of my recollection, I saw them in '68 in Kansas near Mound City.

Q What were you doing up in Kansas? A There was an old negro that my father owned, lived with him, I got him down here, and he had a pension coming to him and I went with him up there to draw this money and I found these people there in Ottawa, we went to Ottawa, Kansas, to draw this money and there is where I saw these people.

Q Who did you go with? A Jess Brown and Jess Marcus, and there I saw old Uncle Peter Ward and Abe and Berry, there was younger ones but they were smaller, I got acquainted with them three.

Q Were they living there at the time? A Yes, sir, they were living there.

Q Living in town or on a farm? A No, they were living on a farm out a little piece from Mound City; Mound City, as well as I recollect must be about 40 or 50 miles of Ottawa, Kansas.

Q About what time in the year did you see them there? A It was in July or August, I remember they were cutting wheat when I was there.

Q Summer time? A Yes.

Q Well, about how long did you stay around there? A I don't know how long, I don't remember how long, we stayed a while at Mound City and then went on up to Ottawa and stayed there quite a while, we didn't get the money when he first went there, we had to wait on account of some papers wasn't signed up right, and we had to stay there, I would not say positively how long it was.

Q Was you at Peter Ward's house? A I can't say positively; you see there was a whole bunch of them lived around there, and I went to several of the houses around there and when they had breakfast there while I was there and I went to church and read that they all found that I was an Indian and they came in to see me and talk with me.

Q You were with these colored men, two colored men? A Yes, sir, I

was with Jess, his mother was living there and his brother was there.

Q His mother and brother? A Yes, sir, mother and brother.

Q Did you see Abraham Ward? A Yes, sir, yes, sir.

Q You remember distinctly seeing him? A Yes, I remember him very well.

Q Well now did you meet anybody after you came back home, after you came back to the Cherokee Nation? A What do you mean; when I came back who did I meet?

Q Yes, if anyone? A No, I left them over there, they never come back.

Q Did you meet any of the Couches? A Yes, sir, Sam Couch and Pete Couch had just moved from Texas and I moved on Pryor Creek, they just had moved in, I just had come back from this trip and met them on Pryor Creek.

Q Now how many wards had you seen up there, you saw Peter and Abe and Berry? A I remember Peter, that is Abraham's father, Uncle Peter we called him, and Berry and Squire, not Squire, no, Abraham, them three I remember.

Q There were others but you don't remember? A Yes, there were other boys, I got acquainted with them after they moved back later on, but I don't remember seeing them up there like I do these other men, I knew them after I met them after they came back I knew who they were.

Q Did they say anything about having been back down here after the war before that? A No, sir, never said anything about that, they told me ~~when~~ they were coming back just as quick as they could come, everyone I seen was talking about coming back.

Q Where did you live in '66? A We were down on the Adair place, some called the Adair place and used to be known as the Alex McDaniel place.

Q Where were you in '67? A We were there in '67.

Q Where were you in '68? A Then we went on Verdigris, we had moved over there to Verdigris.

Q And that was in '68 you went up there? A Yes, in '68 I went to Kansas.

Mr. Mellette: You say you saw these wards up there in Kansas at church? A Yes, sir.

Q How long did you stay in Kansas that fall? A I can't tell you how long I was there.

Q You didn't lose your citizenship by going up there to Kansas?

A Didn't lose my citizenship, no, sir.

Q How long did you stay there, you say? A I don't remember, might have been there two, three or four weeks.

Q You didn't go to their house? A Yes, sir, I went to old Uncle Peter Ward's house.

Q Why didn't you say just a while ago that you did go to their house? A I said I went to several homes there, they lived all around in that country at different places, and I had been meeting them one day and another while I stayed there.

Q What were you doing while you were up there? A I went up there with this old Jess Brown to get his money.

Q Where did you have to go to get his money? A Went to Ottawa, Kansas.

Q How far is that from here? A I don't remember how far it is.

Q About how far? A Oh, it is a long ways.

Q How far did they live from Ottawa? A As well as I remember, it must be forty or fifty miles, they were living at Mound City to the best of my recollection.

Q What were you doing at Mound City? A There is where Jess's brother and mother lived, we landed there first.

Q What did you stay there for? A He wanted to see his mother, I stayed with him.

Q Did you have to stay with him? A Of course I had to stay with him, I went with him, whenever he got ready to go on up to Ottawa.

- 3 -

we went on.

Q You saw three Wards up there? A Yes, sir, I remember the three.

Q You don't know how long they had been there? A No, sir.

Mr. Hastings: You hauled Jess Brown up in your wagon? A Yes, sir.

Commissioner: This testimony will be made part of the record in Freeman cases D-608, D-610, D-611, D-613, D-625, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-625, D-626, D-605.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 21st of October, 1901.

W. H. Harrison

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 15, 1901.

SUBJUNCTIONAL TESTIMONY in the matter of the application of Daniel
Thompson et al, U. S. D. #608.

APPEARANCES:

James S. Davenport for the Cherokee Nation
Melville & Smith for the other applicant.

T. F. Thompson, being first duly sworn by Com'r T. B. Needles, tes-
tified as follows on the part of the Cherokee Nation:-

(By Davenport)

Q What is your name? A T. F. Thompson.

Q Where do you live? A 3 miles south of Vinita.

Q What is your age? A 52.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.

Q Did you know him before the war? A Yes sir.

Q Do you know where he went during the war? A I think he went north
to Kansas.

Q Where did your family go during the war? A To Red River.

Q Cherokee Nation? A Chickasaw Nation.

Q When did you return to this country? A In the fall of '88, in October.

Q Did this applicant go with your family? A He never was with us
during the war.

Q When your family returned to the Cherokee Nation where did they
locate? A On Grand river 12 or 15 miles east of here.

Q How far from where they had originally lived? A Same place.

Q Was the applicant there when you returned? A No sir.

Q When did you first see the applicant after the war? A Here in
Vinita, I can't tell exactly the time.

Q With reference to the time the railroad was here when was it?
The Katy was here I think.

Q About what year was it? A As well as I remember it was in '91 or
'92.

Q Had the applicant prior to that time ever lived on your place on
Grand river? A No sir.

Q Had you any conversation with him in regard to where he lived or
when he came back? A No sir.

Q Where was he living at that time? A On Big Creek, he told me.

Q Did he say then that he had been living on Grand river at the old
place? A No sir.

Q You had always lived on the old place since your return? A Yes sir.

Q Same place you lived on prior to the breaking out of the war? A
Yes sir.

Q Had the applicant been there after the war on to your house? A Not
that I know of.

Q You saw him here in Vinita for the first time after the war? A
Yes sir.

Q Did he come to your house at that time? A He came to my father's
house and staid a day or two with my father.

(By Smith)

Q What was your father's name? A Johnson Thompson.

Q Is he a Cherokee? A Yes sir.

Q By blood? A Yes sir.

Q I recognized Daniel of the Cherokee Nation? A Yes sir.

Q Did he own Daniel Thompson before the war? A Yes sir.

Q Was Daniel Thompson with your father when the war commenced? A Yes
sir.

Q What time did you get back here after the war? A October, '88.

Q You came to what place? A Our old place.

Q How far from where Vinita is now? A 12 or 15 miles.

Q How old were you then? A 22 years old.

Q Just a moment, A Yes sir.

Q From that time that you came back to your old place, for the following two years, where were you? A I was there--I went to school one or two sessions at Pea Ridge, Arkansas.

Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.

Q All you know is that the first time you saw him was in '71? A Yes sir.

Q You don't know how long he had then been in the Cherokee Nation?

A No sir.

Q You don't know where he was during the war? A No sir.

(By Davenport)

Q When were you at school? A In '67, in the fall.

Q You was at home then from '66 to the fall of '67? A Yes sir.

Q You never saw the applicant there then? A No sir.

Q Never heard of him being there did you?

BY MR. SMITH: I object to him stating what he might have heard.

(By Smith of witness)

Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.

Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by Com. T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A David Stinger.

Q Where do you live? A On Big Creek, Cherokee Nation.

Q How old are you? A 60.

Q How long have you lived in the neighborhood of Big Creek in the Cherokee Nation? A About 28 years.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Since '72.

Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.

Q What was he doing when you saw him? A Just commenced making a farm there.

Q Did you have a conversation with him then? A Yes sir.

Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here--thought he would come back home as he called it.

Q Did he have a family with him then? A Yes sir.

Q What year was that? A I think in '72.

Q What improvements had he made then? A Nothing, he was just in a wagon there.

Q Did he say when he had gone to Kansas? A No, I don't know anything about that.

Q Was anything else said about his having been in the Cherokee Nation before that? A I don't think there was.

Q How many children did he have there? A Two.

Q What were their names? A Sandy and Mandy.

Q Were they both with him? A Yes sir.

Q Did he afterwards make a place there? A Yes sir.

Q Where has he been living since? A Right there all the time.

Q What year was this you say he came there? A '72.

(By Smith)

Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.

Q How long had you been there in '71? A I came there in '71.

Q Where from? A Peoria, Illinois.

Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.

Q You don't know where he was in '69? A No sir.

Q Or in '68? A No sir.

Q Or in '67? A No sir.

Q Or in '66? A No sir.

Q Or in '65? A No sir.

Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.

Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.

Q You don't know when he first came here after the war? A No sir, only that time.

Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)

Q Was he living there when you came there in '71? A No sir.

Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r F. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A William Noble.

Q Where do you live? A On Big creek, Indian Territory.

Q Cherokee Nation? A Yes sir.

Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.

Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Good many years, I can't say exactly how long, I think he moved in there on Big creek right close to me, I think he came from Kansas there in the fall of '78, and he has lived there ever since.

Q Did he settle a place there when he came down? A Yes sir.

Q How far from you? A Two and a half miles.

Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.

Q Did he have his family with him? A Yes sir.

Q Children? A Wife and three children.

Q Did you have any conversation with him? A Yes sir, he told me he just moved in from Kansas.

Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.

(By Smith)

Q When did you first come to the Cherokee Nation after the war? A In '64.

Q Were you in the army? A Yes sir.

Q When were you discharged from the army? A I was discharged, I think it was in '62.

Q In what? A '62.

Q Were you discharged before the war closed? A No sir.

Q But you think it was in '62 that you were discharged? A I believe it was.

Q In '61 maybe? A Somewhere along there.

Q Somewhere in '61 or '62? A Yes sir.

Q You testified Saturday last in the Josh Tenn case didn't you? A Yes sir.

Q Didn't you say then that you were discharged in the year '62?

the army? A I dont think I did, I think I said I didn't know exactly.

Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the Army? A Yes sir.

Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '68.

Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.

Q When did the war close, what year? A I think it was in '61, wasn't it?

Q When did it commence? A You are just a little ahead of me when it commenced, I dont recollect it.

Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time the war was over.

Q What did they discharged you for the first time? A Three years service.

Q Then you went back the second time? A Yes sir.

Q How long did you stay then? A Two years.

How long did that war last? A Five years, wasn't it?

Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.

Q What year did you get here? A In the spring of '66.

Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.

Q And you are certain you were discharged from the army after the war was over? A Yes sir.

Q And you got here in '66? A Yes sir.

Q Now, how did you do that? I went from Louisville, Kentucky where I was discharged, to Iowa, and from Iowa to Kansas and from Kansas here.

Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '72.

Q You dont know how long he had been here before that? A No sir.

Q You dont know when he came ~~to the~~? A No sir, except when he came to Big Creek.

(By Davenport)

Q You dont know when the war began? A No sir.

Q Not when it closed? A No sir.

Q Had Dave Stinger come to your place before Daniel Thompson come on Big Creek? A Yes sir.

(By Smith)

Q Where did you go after you were discharged? A Iowa.

Q Where did you go then? A Kansas.

Q Where did you stop in Kansas? A Neosho ~~NEOSHO~~ River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.

Q Did you have any trouble up at Chetopa? A No sir.

Q Were you never arrested in Kansas? A No sir.

Q Do you remember a man named Sage in Chetopa? I dont remember, I am not acquainted with him.

Q Didn't you have any trouble with him and get arrested? A No sir.

Q Didn't he have you arrested? A I don't think so.

Don't you know? I know I wasn't arrested there.

Have you ever been arrested at sea? Yes sir.

Q Where? A In the Cherokee Nation.

Q Just for the A. cattle ranching

(By Davanport)

Q What became of that order? A It was taken to Fort Smith and sent before the Grand Jury and they signed. And are still pending now.

(By ~~Oral~~)

Q Are you a citizen of the United States? Yes sir.

□ □ □ □ □ □ □ □

This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-806, and also in C. F. D. cases D-623 and D-693 and their subreferences.

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Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this 17th of October, 1901.



Commissioner.

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File with case of George Ward, C.F.-D.#425.

Supl.C.F.-D.#607.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 18th, 1901.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CHEROKEE
Freedmen of ABRAHAM WARD, ET AL., the following supplemental testi-
mony is offered on part of applicants:

APPEARANCES:

Mellette & Smith, Attorneys for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

STEPHEN RIDGE, being duly sworn by Commissioner Needles,
testified as follows:

MR. SMITH: State your name? A My name is Stephen Ridge.

Q How old are you? A I am 80 years old.

Q Are you a colored man? A Colored man?

Q Yes? A Yes, sir.

Q Where do you live? A I live in Mound City, Kansas.

Q How long have you lived there? A Oh, about 37 years.

Q In what year did you go there? A I went there in '64.

Q In what time in '64, what season? A Well, I got up there
September 12th.

Q To what place now do you refer? A Mound City.

Q What is your business, what do you do? A Well, I have done
a good many things for a living, but I was employed by the Second
Baptist Church there; that is in '65, in the month of May I took
charge of the Second Baptist Church there.

Q In what year? A In '65 in May.

Q Well, in what way did you take charge of it; what did you do?

A I preached the best I knew how.

Q You are a preacher are you? A Yes, sir.

Q Well, did you know a Peter Ward there? A Yes, sir, I know him.

Q When did you first get acquainted with Peter Ward? A I was
slightly acquainted with him down in Arkansas.

Q When did you first get acquainted with Peter Ward? A We was
slightly acquainted as I stated down in Arkansas; no, I will take
that back if you will please, I got little kinds off, I can't keep
memory like I used to.

Q Just tell us when you got acquainted with him? A We was slight-
ly acquainted in the old Territory; wasn't that right; was it.

Q Just stop now and tell us when you first know Peter Ward?

A Well, I was correct after all.

Q Ever know Peter Ward in Kansas? A Yes, sir.

Q How long had you been up there in '64 before you became acquainted
with Peter Ward? A Oh, I became acquainted with him the first
month I went there; that was in '64.

Q About how long did you know him there in Kansas? A Oh, I
knew him all the while; while he was there until he come away.

Q Well, about how long was that? A Oh, I guess not over a year or
after I got up there; that is as long as we lived together. Well,
if you will let me state so.

Q So ahead now? A Well, the way this come up; how I got so well
acquainted with him was there at I told you, the church got me em-
ployed me for a preacher and he was then a member of that organiza-
tion and was a deacon in that church and you remember we had our
monthly meetings to transact our business there once a month and
of course we had a great deal of business together; that is the way
I became so well acquainted with him. We was both members of the
same church.

Q Do you know what the last business was that Peter Ward transacted there in that church, or when it was? A Yes, sir. He was with us the 17th day of June, '66; that is the last time he transacted business with us.

Q The last time he transacted business with you in the church?

A Yes, sir.

Q What did you do then? A We elected another deacon in his place.

Q What business was it you transacted on the 17th day of June, '66?

A Well, the reason I remember so well about that, I remember being the last, in receiving a member into the church we, he took a stand against it; that is what keeps me in remembrance of it so well, and it was the last transaction in the church.

Q Have you any book or church record? A I have got that first little book we had, but I haven't got it in my pocket; I had it in the forenoon and went down to dinner and thought I wouldn't have no use for it and left it in my valise.

Q By what did you fix the dates of these church meetings and matters that you have talked about?

Mr. Davenport: I object to that unless you get the book up here.

A The first time the church meetings was for a while we always had out church meetings on the Saturday before the first Sunday in the month and then we changed it, I requested the church to change it to Saturday before the Second Sunday on account of the other organization I had joined.

Q Well, after that time in June, '66 that you speak of, what became of Peter Ward; do you know whether he remained in that neighborhood, or did he go away from that neighborhood? A I heard he came to the Territory.

Q Did you ever see him there any more? A No, sir, I never saw him there any more; didn't see him any more--oh, I don't know for several years.

MR. DAVENPORT: Who is this you are talking about? A Peter Ward.

Q What Peter Ward? A Why Peter Ward that's dead, I know.

Q Just Peter Ward? A Yes, sir.

Q Did you ever see more than one Peter Ward in your life?

A No, sir.

Q You saw one in Arkansas? A That is the same one.

Q How many children did Peter Ward have? A Oh, I don't know.

Q Did all his children go away when he did or not?

A I don't know whether they all went away at the same time or not; I know they all left.

Q All left eventually? A I would not swear that.

Q Have you been living there at Mound City, Kansas, continuously since that time? A Yes, sir.

Q Don't you know that one of his family lives up there now and has been since the war; one of his boys? A I don't know; which one?

A I am asking you if you know? A Oh, no, I don't know.

Q What boys do you know? A I know some of the older ones.

Q What is one of the older one's name? A There was Harry and Abraham and Squire, I know them all, and he had one named Ben and he had one I won't be positive, but I tell you I know them, and another one was.

Q That is the last time you saw Peter in the church? A Yes, sir.

Q You have been custodian of the church books ever since that time?

A No, no, we had Clark.

Q Have you been Pastor in charge of that church ever since 1866?

A No, sir.

Q Have you lived in Mound City all the time since that time?

A Yes, sir.

Q What do you know of there? A I know quite a number of folks.

Q Do you know J. B. Brown, up there? A What J. B. Brown.
Q Just J. B. Brown is all I know. A I know one Brown.
Q Well, do you know a fellow by the name of J. L. Ward that lives up there? A What is he?
Q He is a white man or Indian? A I know Mr. Ward.
Q Well, do you know B. Osborn? A Buy Osborn, I know him.
Q He lives there in Mound City.
Q Well, do you know C. W. Kingsberry? A There is a man that lives about there, about three miles above Mound City, I know him by name perfectly well, but I never got so well enough acquainted with him to know him when I see his face but I know there is such a man as that.
Q When did you look up that church record to see when the last time Brother Peter Ward officiated with you? A I just looked it up here about a week ago.
Q Where had that book been all the time? A I had it in my possession.
Q You made the entries in the book? A No, sir, I told you we had a clerk and he was not a member of the church and then we had, or rather thought we ought to have a clerk that was a member of the church and then they elected a man by the name of Sam Clark, he is dead now and after he left he left and went down to Iowa, or some place.
Q Well you don't know where Ward went after he left there? A I don't know no more than what he said; said he was going to the Territory.
Q When was that? A That was in '66.
Q How do you know it was in '66? A Because.
Q Does your book say that? A Yes.
Q Your book says Ward had resigned because he was going to the Territory? A No, the book don't say so, but I noticed this in order to find out about the time when Peter Ward left there, I remember; I say it was the 17th day of June, as I stated. It was the 17th day of June and when I found I remembered when looking over it, I noticed that that was the last time Brother Ward was there with us to transact business and it was on the 17th day of June, '66; but he never was with us any more after that in our transactions in the church and of course that give me a very good reason to believe that he came right off because he had been talking of it before.
Q You don't know that he moved at once to the Territory? A I don't know; that is, I don't know what day he left on; I know he never was with us in church meeting after that, and I have always believed he come right straight to the Territory because I never saw him any more; after he had been up there in the neighborhood he would have been in the church meetings.
Q You are just imagining that? A I know that because he was a faithful member and never missed.
Q Did your members attend all the time or did some of them backslide? A I could not tell you much about that, because we always has some little back-sliding in the churches and of course we didn't keep track of it all the time.
Q Where was it in Arkansas you saw this fellow? A We met in Mayesville, well, we wasn't well acquainted then as we might have been, but remember when we met here in Kansas that we had met before.
Q Well, where was you living when you met this man at Mayesville, Arkansas? A I was living on Honey creek.
Q In what country? A In the Indian Territory.
Q Are you a Freedman? A I am a Freedman, but I have about give it up because you have took such stand here against us Freedmen, and because we lived a little while in Kansas, we could not live there; I have spent about a hundred dollars to get my name on, and did have my name on the Wallace roll and when I come to find it could not find it.

Q Did you get your name on the Kern-Clifton roll? A No, sir, I didn't know when was the proper time, I come too late.

COM'R NEEDLES: Had Peter Ward been talking to you about coming to the Territory? A Yes, sir, he talked it all around there, it was known all over the neighborhood he was coming to the Territory and of course we calculated when he left there that he come to the Territory and I believe that with all my soul.

MR. DAVENPORT: He has been talking to you since you have been down here this time? A We talked a good deal, we always do when we meet; I have been down here several times before since he come, but I didn't meet him after he come down here, I expect it must have been five or six years afterwards. Well, the first time I met him was when I come to get my name on the Wallace roll after he come.

(Application is continued until the witness can send and get the book of which he has been referring.)

Q In giving your testimony a while go when you referred to your church book, is the name of Peter Ward shown in the book on the date you referred to as fixing the date that he last officiated with you at the church? A No, sir.

Com'r Needles: This testimony will be made part of the record in the case at bar and part of the record in D)608, D610, D-611, D-613, D-425, D-615, D-616, D618, D-619, D-621, D-622, D-623, D-625, D-626, D-605.

--00000000--

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this November 5th, 1901.

[Signature]

Commissioner.

1. The first of the great principles of the Interior Department is that the land is to be held in trust for the people of the United States. This principle is the basis of all the other principles of the Department.

2. The second principle is that the land is to be held in trust for the people of the United States. This principle is the basis of all the other principles of the Department.

3. The third principle is that the land is to be held in trust for the people of the United States. This principle is the basis of all the other principles of the Department.

4. The fourth principle is that the land is to be held in trust for the people of the United States. This principle is the basis of all the other principles of the Department.

5. The fifth principle is that the land is to be held in trust for the people of the United States. This principle is the basis of all the other principles of the Department.

THE INTERIOR,
 DEPARTMENT OF THE INTERIOR,
 BUREAU OF LAND MANAGEMENT,
 WASHINGTON, D. C.

RECEIVED
 MAY 10 1901

BUREAU OF LAND MANAGEMENT
 WASHINGTON, D. C.

The first of the great principles of the Interior Department is that the land is to be held in trust for the people of the United States. This principle is the basis of all the other principles of the Department.

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1900 A. D. (Bengals)

1901 A. D. (Bengals)

File with George Ward, C. F. D. 435

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 28th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #807
SUPPLEMENTAL TESTIMONY

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants

By Mr. Hastings: I desire to file a certificate from J. A. Gady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: "Peter Ward, one female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Gady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

=====
(COPY)
State of Kansas: ss.
County of Linn:

I, J. A. Gady, County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: "Peter Ward, one female dog." said entry is on page 73 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(Signed) J. A. Gady
(SMAL) County Clerk of Linn County, Kansas.

=====
By Commissioner Breckinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants, be filed in the cases to which this case refers and all subreferences thereto as found upon the records of this Commission.

=====
Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this 28th of October, 1901.

Chas. von Weiss
[Signature]
Commissioner.

File with Cherokee Freedmen. 2-485, George Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Writs, IIT., October 29, 1901.

In the matter of the application of Abraham Ward et al. for
enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

A. R. WAYNE, being duly sworn by Commissioner Needles, testi-
fied as follows:

Mr. Hastings: What is your name? A A. R. Wayne.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q What is your age? A I am 58 years old.

Q Were you in Lynn County, Kansas, during, and the years imme-
diately after the war? A Yes, sir.

Q I will ask you if you know a colored man by the name of Peter
Ward? A Yes, sir.

Q Where did you learn to know him at first? A Four miles and
a half west and one half mile north of Mound City, Lynn County, Kansas.

Q When? A In 1866.

Q You know whose place he was living on at that time? A I forget
the name of the man at that time, in '66.

Q Do you know where he moved, if at all, in '66? A He moved to
the farm of Amos Durben, and some call it the C. W. Kingsbury place
now.

Q Is Kingsbury his grandson? A Of Durben's, yes sir.

Q How long did he continue to live on the Durben farm? A 3 years.

Q Now by what do you fix that? A The first time that I saw him
I knew where I was working breaking prairie, and I stuck a thorn in
my foot right in there, and I stopped and Mrs. Ward said that the gall
of a bee was the best thing I could put on it, and by me breaking
prairie I know it was in '66, I know where I was living at that time.

Q How do you fix the next date, three years later, which would
make it in '69? A I have a record of the expenses that I had paid
out in May, toward the last of May, from the first of January till
the last of May, that me and him had a transaction whereby me I paid
him \$2.50.

Q Peter Ward? A Yes, sir, the second day of March.

Q Of what year? A 1869.

Q Where was he living at that time? A He was living on the farm
of Amos Durben.

Q Do you know any of Peter Ward's children, sons, members of his
family? A I know one girl and I know Abraham Ward, Clint Ward, I
presume his name is Clifton, but we all called him Clint, and George; I
believe that is all that I can bring to mine now at the present time.

Q Have you by the name of Berry? A Yes, sir, I think Berry was
the second boy.

Q Was there one named Squire Ward? A Yes, sir, I think there was.

Q You recollect it now? A Yes, sir, Squire Ward.

Q Where were these children living between the years of '68, when
you first knew the father, and '69? A They were living with their
father; the boys of course would work around first one place and
another wherever they could find work, but there is where they had
their home, with their father.

Q Have you seen them since that time, '69? A No, sir, I haven't.

Q Do you know whether you would know them or not now? A No, sir,
I haven't met them as often as them what I gave in this other case.

Q Do you know that one over there (indicating Abraham Ward)?
A Yes, sir, I have seen that gentleman over there, but I can't tell you his name; I know by the looks of him I have seen him.
Q You don't recollect to have seen any of them since '69? A No, sir.
Q How far did you live from them say in '69, from the Durben farm?
A About a mile and three quarters.
Q Well now did you live that far from '66 to '68 to them? A No, sir, in '66 I was living farther off.
Q Well, when did you come up nearer to them? A When I got married in '67; I was married in '67 and I was a little bit closer to them.

Q Well, were you as near in '67 as you were in '69? A Same place.
Q You were as near to them in '67 as you were in '69? A Yes, sir, same place.

Q And you remained on the same place from '69 to '69? A Yes, sir.
Q Now during that time, far from '66 up to '69, did you miss Peter Ward or any of his sons any more up there? A No, sir.

Q Did you have occasion to see them from time to time? A Only upon one occasion to my knowledge that I got to see them except just in passing around; I had one transaction that I was over to their house.

Q Did you see them in the country any place? A Oh yes, I have seen them around.

Q You mean by that, that that is the only time you ever had my personal business transaction with them? A Yes, sir, that is what I mean, personal business transaction.

Mr. Smith: What month in the year 1866 was it you got acquainted with Peter Ward? A Well sir, I can't tell you what month, but then I know it was along in the spring because I was breaking prairie, breaking it with oxen.

Q Did you break any ground except in the spring? A Not the prairie, to my knowledge, I never did.

Q You have been there in that country ever since '62? A I had been there ever since '65.

Q You had been living there some ten or eleven years when you first became acquainted with Peter Ward? A Well, I came there in Mar '65, and it was '66 when I first recollect getting acquainted with them to know them.

Q Now in what way do you fix the date as in '66 when you first became acquainted with Peter Ward? A I was breaking prairie west of where they lived, and I came up there in regard to my foot; as I said, I had stuck a stub in my foot, and I came up there and Mrs. Ward gave me a piece of bee gall to put on it to draw it.

Q Well, did your foot get well? A Well it isn't off, I suppose it did.

Q Well that has been how long ago? A Well '66; that has been 35 years ago.

Q When did you first have any occasion to remember the matter, or date when you first met Peter Ward, or when was that ever called to your attention first after that time? A For the first time you mean?

Q Yes? A Well it was Mr. Marah, '69, that I had the transaction with him.

Q That had nothing to do, however, with the time you first met him? A No, sir, not to my knowledge, no, sir, just came then from then in passing around.

Q What I mean to say is, the fact that you had the business transaction with him in March of any time in '69 would not aid your recollection as to the time you first met him, would it? A I don't know as I understand your question.

Q I say there was no connection between your business transaction with him in '69 and the date when you first met him, nothing connecting the two things together; one had nothing to do with the other, did it? A No, sir.

Q Well then, how when did you first have occasion to remember that you met Peter Ward in '66? A I just not told the occasion, about

plowing and going up there.

Q I know, but you did a great many things in '66 that you haven't had any occasion to think about since, haven't you? A Yes, sir.

Q What first brought this incident to your mind, that is what I am talking about? A What first brought it to my mind?

Q Yes, or recalled this thing you are talking about in '66? A Well I was asked if I knew a man by the name of Peter Ward.

Q When? A Well I think it was pretty near four weeks ago.

Q Who asked you? A Why I think he was by the name of Keys, J. M. Keys I think, if I am not mistaken.

Q Well now from the time this thing happened up to the time that J. M. Keys asked you about it, you had had no occasion to remember this incident, or the date when you hurt your foot, had you? A No, sir.

Q Now for thirty-five or six years you had carried in your mind the date when you had hurt your foot? A Yes, sir, I know the date by that transaction of breaking prairie, know where I was living.

Q How long did you live there? A At that place, only lived there at that place just one year, working for my brother that year.

Q Now that has been a long time ago, hasn't it? A Yes, sir.

Q Do you think you can swear with certainty it was in '66 and no other time that you met Peter Ward the first time? A Yes, sir, not to my knowledge to know him; I might have met him but not to know him.

Q Do you think you can't possibly be mistaken about the date?

A I know I can't be mistaken in regard to the date of the year.

Q You know that? A Yes, sir.

Q Well now Mr. Wayne, where is your record? A In my pocket in a book.

Q I would like to see that. A (Witness produces book) That record commenced there, January 3, 1869, it goes on down to there, (indicating on book) is Peter Ward, \$2.50; it goes on down to here, to May, '69, \$102.64; I spent during that time \$102.64.

Q When did you commence to keep this book? A Well, I think that book came in my possession in 1868, along in the winter of '68.

Q When did you quit making entries in it? A In regard to my expenses?

Q No, entries at all? A Well I think probably it was away along in the seventies somewhere, might maybe have been late as '76, toward the back there in regard to some Sabbath School records I think, and in that fore part there is some few pages that was in '69, some transactions, and some probably in the seventies somewhere.

Q Mr. Wayne, at the place in this memorandum where the name of Peter Ward occurs, there is no year there, is there? A No, sir, there isn't; there was no occasion for the year when I was keeping the account; you will find here it is entered, and it goes on down here, and here it is March First, and March 2, and goes on down, 9, 11, 12, 13, etc.; there was no occasion for it in keeping the record.

Q Mr. Wayne, what is the entry immediately above the name Peter Ward? A (Reading from book) That there is Ben Brumach, a colored man, 25¢; no, it is stamps, 15¢.

Q You are sure that that is stamps? A No, soda, 15¢.

Q Then it isn't stamps? A No, sir, I thought it was stamps, but it is soda instead of stamps; here is stamps below here.

Q Now Mr. Wayne, that line upon which the word, Peter Ward, is written has been erased? A No, sir.

Q Isn't there an erasure on that line? A Not to that knowledge, and I am the only person that has ever had it.

Q Can you read that entry immediately above that Peter Ward, and Peter Ward, as distinctly as you can this entry immediately below it?

A Well there is a part of the Peter there that I can see just the same as I can the other, the same that is below here; here is some other I believe.

Q That is not the question; are the entries below clearer and more distinct than the word, Peter Ward? A No, sir, not that I

notice till they get way down there, they are about the same.

Q Now then you see there is a part of the Peter that you can read better than the other part? A Well the t there appears to be a little bit plainer.

Q Can you see any e in that Peter? A Yes, sir.

Q Where is it? A Right after the t.

Q If you didn't know what it was could you tell what the remaining letters after the P were? A Yes, sir, that is my handwriting and I would.

Q Now why, Mr. Wayne, is that word Peter word blurred, as it appears upon the record? A I can't tell you any more than here; not a bit.

Q You don't know? A No, sir.

Q Did you write the word potatoes on the second page? A Yes, sir.

Q Did you make that P? A Yes, sir.

Q Is that one like this one? A Yes, sir, that one looks like I didn't make it very plain and I taken it again, same as there (indicating) in writing that down it looks as though I had made two cracks on that, and you will probably find the P somewhere.

Q Now Mr. Wayne, sometimes a P is made with one stroke of the pen?

A Yes, sir.

Q Now that P in potatoes is made that way, isn't it?

A No, I don't make a P but very seldom, sometimes I make a P by running down and then back, and sometimes then I make a P by making a straight mark and going around that way (indicating). I make Ps two or three different ways.

Q Now Mr. Wayne, the word Peter there in this book is blurred?

A Yes, sir.

Q It is indistinct? A No, sir, not to my mind it is not.

Q Not as clear as the entries below it? A It is about the same thing here except that P in here, that I see, appears to be a little plainer than that e-t-a-r.

Q Well, do you state that that is as clear as the entries below?

A No, sir, I say it is not, it is the same as some that would be over here or some other place.

Q Now you didn't use this book since eighteen and what? A Oh I have probably referred to it for some regards in regard to an orchard that I set out, and my little boy that is dead might have got hold of it once, he might have got hold of that book.

Q Where was this book when you were first interrogated about Abraham Ward? A It was in my desk in my room.

Q Did you remember, when you were interrogated as to the time when you had had any business transactions with Peter Ward, without reference to that book? A No, sir.

Q Then you are testifying from that record? A I am testifying from my record in regard to the transaction.

Q Is the record is wrong you are wrong? A Yes, sir.

Q Can you tell me who made the blur, or erasure, if it is an erasure, upon that line upon which appears the name of Peter Ward? A No, sir.

Mr. Smith: If the Court please, I would like to offer the book.

Mr. Hastings: You can't take the book away from the man.

Q Do you want this book any more? A I have some records in regard to some orchards that I would have to have that.

Q If you are willing, we would like to keep it a while in this case, and the Commission will return it to you afterwards? A I have no objection, but there is a little paper in there I would like to get out afterwards.

Mr. Hastings: What was this entry made? Was it made at the time that it appears to have been made? A Yes, sir, I tried to put

them down the night in which they were made.
Mr. Wayne, now the page before, or the second page before this page of Peter Ward, I notice this date: (reading) January 2, 1888.
Is that correct? A Yes, sir.

Q Following that are a great many entries and only the month and the day; is that intended to be that year? A Yes, sir, everything down to May, '89; it tells the date on the opposite page.

Q Opposite page to where you summed it up? A Yes, sir, to where I summed it up here, it is three pages over.

Q Well, between the two pages before this and say three pages afterwards, they contain the transactions of that year of '89? A It does, yes, sir.

Q Mr. Wayne, a good part of this record was kept with pencil, wasn't it? A Yes, sir.

Q Has it ever been erased or mutilated other than by wear? A No, sir, not to my knowledge, unless my little boy might have got hold of it.

Q Well, you never mutilated that name of Peter Ward or erased it?

A No, sir, I wouldn't have any occasion to.

Q Is that in the same condition that you found it when Mr. Keys made the inquiries of you with reference to your knowledge about Peter Ward? A It is exactly the same.

Q No change has been made? A None whatever.

Commissioner: The book testified about will be filed with the papers in the case.

Commissioner: This testimony will be made part of the record in the case at bar, and part in D-308, D-610, D-611, D-613, D-625, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-625, D-626, and D-605.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 13th of November, 1901.

Wm D Green
Notary Public
Commissioner.

in the name of Messrs Whitmore, trustees, vs Cherokee Nation, on file in the Court of Appeals to the counsel of the Cherokee Nation if it is desired to do so.

W. F. Hastings

The Cherokee Nation most certainly if triumphantly objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony and they desired to have it done. It is an agreement in March last, that the cases would be closed so far as testimony was concerned by the stipulated permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, to which testimony in all these cases is to close and should be closed by the Commission, and that an extension should be granted in any case and no case refused, unless there is some special and particular reason shown either by the Cherokee Nation or the law side or the applicant or the other party as to why an extension of time should be granted or desired.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes of the proceedings.

(Signed) F. G. Rothberger

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) F. G. Reuter, Notary Public

F. G. Bagwell, a stenographer to the Commission to the Civilized Tribes, on oath state that the above and foregoing is a true and correct transcript of the testimony in the above entitled case as filed with the Commission, which may be seen by reference to the file.

F. G. Bagwell

Subscribed and sworn to before me this July 24, 1902.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Geo. Ward, D 425;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decrees because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a ~~copy~~ certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decrees of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decrees already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Peter Hudson and others, consolidating the applications of

Peter Hudson,.....	Cherokee Freedmen	D	604
William Hudson, et al.,.....	"	D	608
Peter Ward, et al.,.....	"	D	613
Abraham Ward, et al.,.....	"	D	607
Ben Ward, et al.,.....	"	D	616
Squire Ward, et al.,.....	"	D	616
Sadie Ward,.....	"	D885	
David Ward,.....	"	D	619
George Ward,.....	"	D	425
Alonzo Ward, et al.,.....	"	D	608
Will Ward, et al.,.....	"	D	610
Berry Ward,.....	"	D	611
Lena Ward, et al.,.....	"	D	1117
Malinda Williams, et al.,....	"	D	618

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Peter Hudson for himself; by William Hudson for himself, his wife, Eliza, and his minor children, Emmett, Levi, Wilburn, Ida and Ivory Hudson; by Peter Ward for himself, his wife, Louisa, and his grandchildren, Eva Ward; by Abraham Ward for himself and his son, Artes Ward; by Ben Ward for himself, his wife, Sarah, and their minor children, Vannie, Martha, Clarence, Neal and Myrtle Ward; by Squire Ward for himself and his minor children, Joseph, Jennie and Eliza Ward; by Sadie Ward for herself; by David Ward for himself; by Nancy Ward for her husband, George Ward, among others, the other parties to her application, being differently classified, are not embraced in this decision; by Alonzo Ward for himself and his minor children, Savannah, Nora and Elvira Ward, as Cherokee Freedmen, and for his wife, Mahala Ward, as a Cherokee Freedman by intermarriage; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Mahala Ward, as such, will not be passed upon, or con-

sidered in this decision; by Will Ward for himself and his minor children, Gracie and Frances Ward; by Berry Ward for himself; by Lena Ward for herself and her minor child, Roxie Beeson, and by Malinda Williams for herself and her minor children, Monroe and Delois Williams. A copy of the testimony taken at Vinita, Indian Territory, on October 15, 1901, in the matter of the application of Daniel Thompson, et al. is made a part of the record herein.

The evidence shows that the applicant, Peter Hudson, together with his wife, Charity Hudson, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion, but returned thereto prior to January 19, 1867. The applicants William Hudson and Sarah Ward, wife of Ben Ward, are the adult children of Peter Hudson and Charity Hudson. The said William Hudson and Sarah Ward were minors at the commencement of the rebellion and are considered to have acquired the status of their mother, Charity Hudson, and, therefore, to have been the slaves of a Cherokee citizen at the commencement of the rebellion. It appears that they returned to the Cherokee Nation with their parents prior to January 19, 1867.

It further appears that the minor children of said William Hudson, included in his application, were born since 1866 and derive their rights to enrollment through him; that Lena Ward, Roxie Beeson and Vannie, Martha, Clarence, Neal and Myrtle Ward were all born since 1866 and are the descendants of the said Sarah Ward, nee Hudson. The evidence further shows that the said Peter Hudson, William Hudson and Sarah Ward, nee Hudson, have resided in the Cherokee Nation from 1866 up to and including the date of their applications herein. The said descendants of William Hudson and Sarah Ward, nee Hudson, are considered to have resided all their lives in the Cherokee Nation with the parents through whom they claim.

It further appears that the applicants Peter Ward, Louisa Ward, Abraham Ward and Ben Ward were the slaves of Cherokee citizens at the commencement of the rebellion; that they removed from the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The applicants Eliza Hudson, Eva Ward, Artes Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elnora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, all born since 1866, are the respective descendants of the said Peter Ward, Louisa Ward and Abraham Ward and have no rights as Cherokee Freedmen, except such as they may have acquired through their said ancestors.

The applicant Squire Ward was a minor at the commencement of the rebellion and is considered to have acquired the status of his mother, Louisa Ward, and therefore to have been the slave of a Cherokee citizen at the commencement of the rebellion. It appears that he was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The said Joseph, Jennie, Eliza and Sadie Ward are his descendants, born since 1866, and have no rights as Cherokee Freedmen, except as such descendants.

None of the names of the persons whose applications for enrollment are denied herein, are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that Peter Hudson, William Hudson, Emmett Hudson, Levi Hudson, Wilburn Hudson, Ida Hudson, Ivory Hudson, Sarah Ward, Vannie Ward, Martha Ward, Clarence Ward, Neal Ward, Myrtle Ward, Lena Ward and Roxie Hudson should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1896 (29 Stat., 496); and that the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abraham Ward, Artes Ward, Ben Ward, Squire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Sadie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Mera Ward, Minora Ward, Will Ward, Grace Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of said Act of Congress, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixou

Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

(SIGNED)

Commissioner.

Dated at Muskogee, I. T.,

this JUL 10 1902

18425

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 25 1901



ACTING CHAIRMAN

NOTE.—"Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 20, 1871."

"Tuesday Morning, June 20, 1871."

"Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

- "George Washington, Cooweescoowee District.
- "Henry Johnson, Tahlequah
- "Lee Cooper,
- "Henry Bird,
- "William Marden,
- "Alonzo Cullen,
- "Solomon Foster, Illinois
- "William Hudson,
- "Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tablequah, Indian Territory, on this the day and date above written.

J. T. Parks
Executive Secretary of Cherokee Nation.

C1.

J. D. 425-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE UN-CIVILIZED TRIBES
FILED
MAY 23 1901



ACTING CHAIRMAN

CERTIFIES THAT

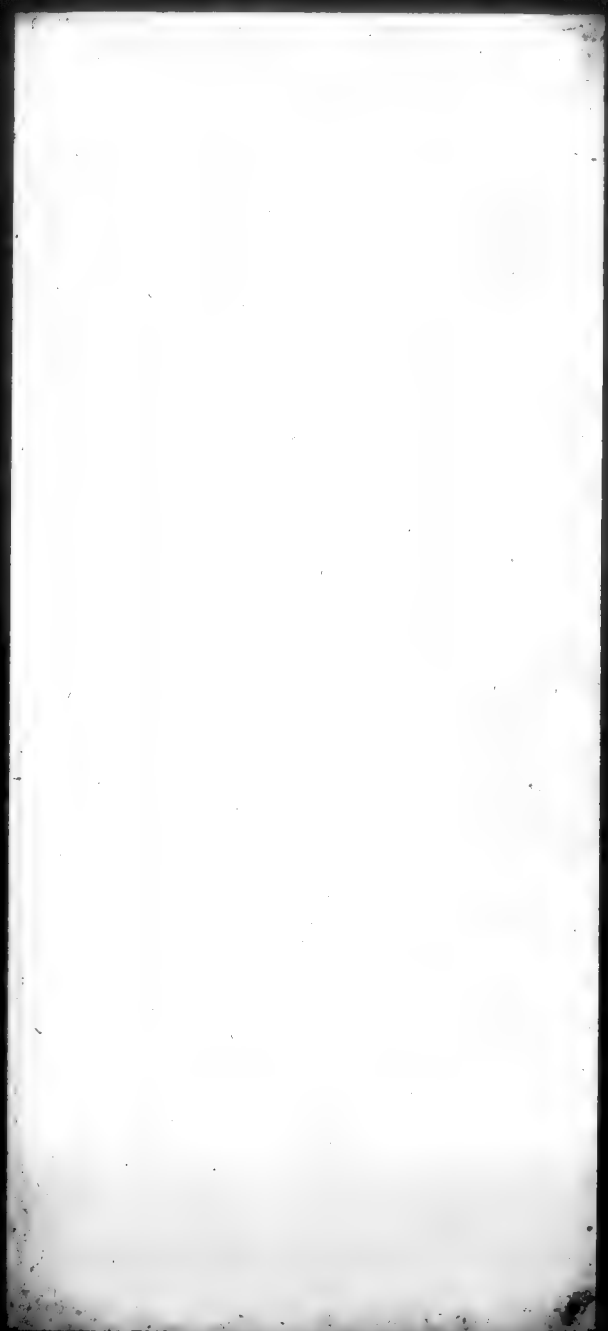
and George Ward
Nancy Melton

are united

MARRIAGE

According to the laws of the State of
Cherokee Nation
on the 1st day of June
in the year of our Lord one thousand
eight hundred and eighty five

Witnessed at ... Creek T.
we Melton Clerk
Rev. J. Smith



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. George Ward,

Coffeyville, Kansas.

Cherokee F-D-425

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } SS

In the matter of the application of George
Ward for enrollment as a Cherokee Freedman.

No. F. D. 4251

Henry Pack, of lawful age, being duly sworn on
oath states that on the 14th day of September, A. D., 1901, he registered
to George Ward whose postoffice is Coffeyville Kan
~~territory~~, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;
and that on the 26th day of September, 1901, he received the return
card which is hereto attached, signed by the said George Ward, showing
that he had received said notice.

Subscribed and sworn to before me on this the 26th day of Sept, A. D. 1901.

Henry Pack
J. C. Starr
Notary Public.

REGISTRY RECEIPT.

Post Office at _____

Registered ~~Letter~~ Parcel No. 101

Rec'd

FT. GIBSON, I. T., 190
SEP 14 1901

of 7

addressed to Wm. H. Gibson

Richard Ross P M

XX
558435
INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of A. D. 1901.

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, |
INDIAN TERRITORY, | S. S.
NORTHERN DISTRICT. |

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 26 1901



ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Geo. Ward
for enrollment as a Cherokee Freedman:

Case No. F. D. 425

To George Ward Coffeyville Kan.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory. Indian Territory, on the following dates, to-wit: Oct. 5th 9 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 13 1901 day of 1901.

L B Bell
W. W. Hastings
J. S. Davenport
Attorneys for the Cherokee Nation.

6.

78.425

GRAND JURY OF THE DISTRICT OF COLUMBIA

FILED

28 1901

Wm. H. ...

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 28/90*
 Post Office *Hofferville, Kas.*
 District *Geo*

1. Name *George Ward* Age *36*
 Owner's name
 Year *Rel.* Page *126* No. *3/50* District *Geo*

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

2. Name of wife *Robertine*
 Owner's name
 Year _____ Page _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by *Mr. and wife* Stenographer *M. C. Smith*

*On Hallacyroll, P. 167 * 111 Geo.*

X Ref.

1000

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chelsea, Indian Territory, June 12th, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the original testimony of May 28th, 1901, in the
matter of the application of George Ward for the enrollment of
himself as a Freedman of the Cherokee Nation.

M. W. Mullette

Attorneys for Applicants.

Cherokee F. #D425.

COPY.

Cherokee Freedmen
D-604, 42.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tablequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson, et al., granting the applications for the enrollment, of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Raxie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Madie, David, George, Alamo, Savannah Rura, Elmera, Will, Gracie, Frances and Perry Ward, and Malinda, Kearce and Delois Williams, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Enc. 1-3.

COPY.

Cherokee Freedmen
D-604 et al.

Washoe, Indian Territory, August 24, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Peter Hudson et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Naomi, Zyrile and Lena Ward and Roxie Hudson, and rejecting the applications for the enrollment of Peter Ward, Elias Hudson, Louisa, Eva, Abraham, Artes, Ida, Squire, Joseph, Jennie, Eliza, Eddie, David, George, Alonzo, Saranah, Ezra, Elvora, Will, Oresie, Frances and Perry Ward, Malinda, Harrod and Delois Williams as Cherokee freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge,

Through the
Commissioner of Indian Affairs.

Enc. D-150

COPY.

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, August 24, 1903.

Eager Smith,

Attorney for Peter Hudson et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Henson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alanzo, Savannah, Ezra, Elnora, Will, Gracie, Frances and Perry Ward, Malinda, Monroe and Delois Williams as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

-2-

made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-146

Register.

COPY.

Cherokee Freedman
D-425

Muskogee, Indian Territory, August 24, 1905.

George Ward,

Coffeyville, Kansas.

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Enc. D-140

Register.

Refer in reply to
the following:
Land.
86270-1904

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

April 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated March 4, 1902, transmitting the record relative to the applications of Peter Hudson, et al, for enrollment as Cherokee Freedmen.

Peter Hudson applied for enrollment of himself; William Hudson for the enrollment of himself, his wife Eliza and their children, Ernest, Levi, Wilburn, Ida, and Ivory Hudson; Peter Ward for himself, his wife Louisa, and his grand-child, Eva Ward; Abraham Ward for himself and his son, Artes Ward; Ben Ward for himself, his wife, Sarah, and their children, Vannie, Martha, Clarence, Neal, and Myrtle Ward; Squire Ward for himself and his minor children, Joseph, Jennie, and Eliza Ward; Sadie Ward for herself; David Ward for himself; Nancy Ward for her husband; George Ward and others who are differently classed and not included in the Commission's decision; Alonzo Ward for himself and his children, Savannah, Bern, and Elmore Ward and for his wife, Mahala, as an unmarried freedman; Will Will Ward for himself and children, Ornaie and Frances Ward; Berry Ward for himself

(2)

Lena Ward for herself and child, Rexie Beeson; Malinda Williams for herself and her children, Monroe and Deleis Williams.

The right of intermarried citizens of the Cherokee Nation to enrollment not having been determined, the Commission did not pass upon the application for the enrollment of Mahala Ward. In a decision dated July 10, 1903, the Commission found that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivery Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward and Rexie Beeson are entitled to enrollment as freedmen, and the other parties to this consolidated case are not entitled to enrollment as such. The evidence in the case shows that Peter Hudson was at the commencement of the late Civil War a slave of Susie Hudson, a citizen of the Cherokee Nation. He went to Kansas during the war, but the evidence satisfactorily establishes that he returned to the Cherokee Nation and took up his abode therein during the year 1866. He is, therefore, entitled to enrollment.

William Hudson is the son of Peter Hudson and Charity Hudson, deceased. His status is the same as that of his father, and it necessarily follows therefore that he is entitled to enrollment, as are also his minor children, Emmet, Levi, Wilburn, Ida, and Ivery Hudson. His wife, Eliza Hudson, nee Ward, claims that she is entitled to enrollment as a freedman. She is the daughter of Abraham and Caroline Ward, the latter of whom is deceased.

Abraham Ward is the son of Peter Ward. It becomes necessary, therefore, to ascertain whether Abraham Ward by himself or through

(3)

his father was the slave of a citizen of the Cherokee Nation, and if so, whether he left the Nation and returned within the time limit fixed by the treaty of 1866. Abraham Ward claims to have been the slave of Jim and Eliza Ward, citizens of the Cherokee Nation. He says that in 1862, after he had been liberated, he went into the Union Army, General Hunt's Division, as a body servant. In June 1901, he testified that he was 55 years of age, therefore, he was born in 1846, and was 16 years of age in 1862. The record in the case does not show that he returned within the time limit fixed by the treaty, therefore, Abraham Ward, and his son Artes, are not entitled to enrollment, and neither is his daughter, Eliza, who is now the wife of William Hudson, unless they are entitled to enrollment by reason of the status of Peter Ward, father of Abraham Ward.

The record shows that Peter Ward was the slave of George Ward, a Cherokee citizen. He went to Mound City, Linn County, Kansas, during the war, and claims to have returned during the year 1866. The preponderance of the evidence, however, shows that he did not return prior to April 11, 1866, and he is not entitled to enrollment as a Cherokee Freedman, neither is his grand-child Eva, unless it be by reason of descent from her grandmother, Louisa Ward, or the ^{mentioned} persons in the Abraham Ward group:

From the record it appears that Louisa Ward, wife of Peter Ward, moved from the state of Georgia, with her husband, to the Cherokee Nation. They appear to have been the slaves of George Ward, a Cherokee. She went to Kansas at the time Peter Ward did and returned at the same time. Her status is, therefore, the same as that of Peter

(4)

Ward, and she is not entitled to enrollment, neither is her grandchild, Eva Ward by reason of descent from her or any of the persons mentioned in the Abraham Ward group by reason of such descent.

Ben Ward is the son of Peter and Louisa Ward. He testified that on June, 1901, he was 43 years of age. He was born therefore in 1858. His father claims to have been the slave of George Ward, and he claims to have been the slave of Jim Ward. The record shows that he went to Kansas with his father and returned at the same time. He did not return within the time limit fixed by the treaty and is not entitled to enrollment. His wife, Sarah Ward, is the daughter of Peter Hudson and her right to enrollment and the right of her minor children, Vannie, Martha, Clarence, Neal, and Myrtle Ward, depends upon their descent from him.

The record shows that Peter Hudson and the members of his family returned to the Cherokee Nation prior to the expiration of the time limit fixed by the treaty of 1866, and the applicants last mentioned are, therefore, entitled to enrollment.

Squire Ward is the son of Peter Ward. He testified in June, 1901, that he was "Forty some odd years" of age. Squire Ward, Joseph, Jennie, and Eliza Ward, are not, as hereinbefore shown with reference to Peter Ward, entitled to enrollment as freedmen by reason of descent from Peter Ward, as the members of Peter Ward's family did not return to the Cherokee Nation prior to February 11, 1867.

Mary Ward, nee Mays, deceased, the record shows, was the daughter of David Mays, and the mother of minor applicants Joseph, Jennie, and Eliza Ward. It is plain that she was a slave in the Cherokee Nation and "belonged to the Whitesides." From the record the

(5)

minor applicants last mentioned do not appear to be entitled to enrollment by reason of their mother being a Cherokee Freedman, or by reason of descent from their grandfather, David Mays.

Sadie Ward is the daughter of Squire Ward, son of Peter Ward. Squire Ward and Peter Ward not being entitled to enrollment, it follows that Sadie Ward is not entitled to enrollment. David Ward is the son of Peter Ward. He was 39 years of age in June, 1901, and his status is the same as that of his father. He is not, under the record, entitled to enrollment as a Cherokee Freedman.

George Ward, for whom Nancy Ward applied, testified in May, 1901, that he was 36 years of age. He is the son of Peter Ward and if he has any right to enrollment as a freedman it is by virtue of the status of his father. His father not being entitled to enrollment, for the reason that he did not return to the Cherokee Nation before February 11, 1867, applicant George Ward is not entitled to enrollment.

Alonso Ward is a son of Abraham Ward, who is a son of Peter Ward. In June, 1901, he testified that he was 35 years of age. He was born after the close of the war, and the record shows that his father, Peter Ward, and the members of his family, did not return to the Cherokee Nation within the required time. Alonso Ward and his children, Savannah, Kara, and Hlnora, are not, therefore, entitled to enrollment as Cherokee Freedmen, and as heretofore stated his wife, Mahala Ward, applied for enrollment as an unmarried citizen, and the Commission has not yet passed upon her rights, if any she has.

(6)

Will Ward is a son of Abraham Ward and grandson of Peter Ward. For the reasons hereinbefore stated, Will Ward and his children, Gracie, and Frances, are not entitled to enrollment by reason of descent from Abraham Ward and Peter Ward. Bell Ward, mother of the two minor applicants last named, is "a state woman," and said applicants are not entitled to enrollment by reason of descent from her.

Berry Ward is a son of Abraham Ward and grandson of Peter Ward. In June, 1901, he testified that he was 23 years of age. Consequently, he was born since the close of the war. His father and grandfather not being entitled to enrollment as Cherokee Freedmen, it follows that he is not entitled to enrollment.

Lena Ward is a daughter of Ben Ward and his wife, Sarah Ward, nee Hudson. Sarah Ward is the daughter of Peter Hudson who was a slave of a Cherokee citizen at the commencement of the war. Peter Hudson left the Cherokee Nation during the war, but returned within the time limit fixed by the treaty of 1866, and is, himself, entitled to enrollment.

Lena Ward, the record shows, was born about 1881, within the limits of the Cherokee Nation. Her mother, Sarah Hudson, being entitled to enrollment and she having lived within the limits of the Cherokee Nation all of her life, is entitled to enrollment as a Cherokee Freedman, as is also her minor child, Roxie Deeson. From the record it appears that William Deeson is the father of Roxie Deeson.

Malinda Williams is the daughter of Abraham Ward and the

(7)

granddaughter of Peter Ward. As she was only 20 years of age in 1901, and as her father, Abraham Ward and her grandfather, Peter Ward, are not entitled to enrollment, she is not entitled to enrollment, and her minor children, Menree and Beleis Williams, are not entitled to enrollment by reason of descent from her.

William Williams, the record shows, is the father of these children. He is not a Cherokee Freedman and the children are not, therefore, entitled to enrollment on account of the status of their father.

In view of the foregoing it is respectfully recommended that the decision of the Commission of July 10, 1903, wherein it is held that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Beal, Myrtle, and Lena Ward, and Rexie Beeson, are entitled to enrollment as Cherokee Freedmen, and that the other parties to the case, whose applications they passed upon, are not entitled to enrollment as Cherokee Freedmen, be approved.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

CAN-D

D C 14391-1904.

COPY

WUP

I.T.D. 3254-1904.

DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

FHE

April 29, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On August 24, 1903, you transmitted the record in the consolidated Cherokee Freedmen case of Peter Hudson (D-604), et al., including your decision of July 10, 1903, granting the application for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Deason, and rejecting the application for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonso, Savannah, Ezra, Elzora, Will, Gracie, Frances and Berry Ward, and Malinda, Mource and Delois Williams.

Reporting April 16, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

It appears that the original application included the name of Mahala Ward, for enrollment as a Cherokee Freedman by intermarriage. In your decision you did not pass upon her rights as such.

Your decision as to the applicants included therein, is approved. The record is returned herewith, and it is desired that you

-2-

render a decision as to the rights of Mahala Ward, who applies for enrollment as a Cherokee freedman by intermarriage.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D-804 et al.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Filburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Berry, Peter, Louisa, Eva, Abraham, Artes, Alonzo, Savannah, Kara and Elvora Ward, Malinda, Monroe and Delois Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-504.

Muskogee, Indian Territory, May 11, 1904.

Edgar Smith,

Attorney for Peter Hudson et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Dixie Reeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Berry, Peter, Louisa, Eva, Abraham, Artes, Alonso, Savannah, Ezra and Elmore Ward, Malinda, Monroe and Delois Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-425.

Muskogee, Indian Territory, May 11, 1904.

George Ward,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
R 288

Muskogee, Indian Territory, May 28, 1906

George Ward,
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the motion filed September 7, 1905, by your attorneys for review in your Cherokee freedmen enrollment case was dismissed by the Department May 2, 1906.

Respectfully,

EMB

Commissioner

Cherokee Freedmen
R 400 et al.

Muskogee, Indian Territory, May 28, 1906

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by attorneys for applicants in the Cherokee freedmen enrollment cases of Joseph Brown and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were denied by the Department in said letter.

Respectfully,

LMR

Commissioner

Cherokee Freedmen
R 400 et al.

Waukegan, Indian Territory, May 25, 1906

Blum & Bulger,

Attorneys for Joseph Brown et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by you, in the Cherokee freedmen enrollment cases of Joseph Brown, and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were dismissed by the Department in said letter.

Respectfully,

LHB

Commissioner

Encl. B-83

(COPY)

D.C. 33316

Vinita. I. T. August 4, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Waukegon I. T.

Dear Sir:

In re:

Motion for rehearing in the matter of the application for the enrollment of Peter Hudson, et al, as Cherokee Freedmen, consolidating the applications of

Peter Hudson, C. F. D. 604,
William Hudson et al C. F. D. 606,
Peter Ward et al C. F. D. 613,
Abraham Ward, et al, C. F. D. 607,
Ben Ward, et al, C. F. D. 616,
Squire Ward, et al, C. F. D. 618,
Sallie Ward C. F. D. 643,
David Ward C. F. D. 619,
George Ward, C. F. D. 423,
Alonso Ward C. F. D. 608,
Will Ward et al, C. F. D. 610,
Nevvy Ward C. F. D. 611,
Lena Ward et al, C. F. D. 1117,
Malinda Williams, et al C. F. D. 615,

wherein we filed a motion prior to June 25th 1906, for a rehearing in behalf of some members of the Ward family in this case.

We desire to state that on account of the limited time allowed us in which to investigate this case we did not have the opportunity to go into it as thoroughly as we desired and since the motion was filed we have made a thorough examination of this case both in Kansas and in the Cherokee Nation and after a thorough investigation of the case we find that from the standpoint of the applicants, if a rehearing was granted as in this case we would be unable to add any strength to the applicants side of the case.

Abraham Ward informs us that he took his wife to Kansas with him and she did not return until he did and that Amanda Williams certainly must be mistaken. We had Amanda Williams on the stand recently in the Court here and she stated she was born before the war but declared that she was just 24 years of age. Abraham Ward also advises us that he did make a trip down to the Nation in the fall of 1866 together with his father and brothers but did not remain here and that they thought that was a compliance with the treaty and that they did not come again until in the Spring of 1867. The records in Kansas and book accounts at the stores there show them as trading up there for some time after February 11 1867 and the best citizens around Wound City who have not testified in the case advise us that they remember that the Wards were there some time after the 11th day of February 1867, and the people we first interviewed say after thinking the matter over carefully that Peter Wards sons came back to Kansas with him after they visited the Cherokee Nation in the Fall of 1866. The marriage records show a number of them married up in Kansas in 1866 and in 1867.

In view of the situation as we find it and of what Abraham Ward himself now tells us, we do not believe any strength can be added to the applicants case if a rehearing was granted and therefore the motion filed by us in these cases may be dismissed so far as we are concerned or if not in your jurisdiction to dismiss it then we would consent that you recommend that it be denied by the Department.

If motions have been filed by any other Attorneys of course we would have nothing to do with them.

We have just completed a very thorough investigation of this case and have interviewed every person of any prominence around Wound City Kansas who could know anything about the case and after this thorough investigation we deem it our duty to lay this matter before you in the manner that we have so that you might take such action as you deem proper in the case.

Respectfully,

Starr & Patten

Muskogee, Indian Territory, August 16, 1906

The Honorable,

The Secretary of the Interior.

Sir:

On April 29, 1904 (I.T.R. 3284-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated July 10, 1903, in the Cherokee freedman consolidated case of Peter Hudson, et al.; D 604, et al, wherein the applications for enrollment as Cherokee freedmen of Peter Ward, Eliza Hudson, Loyise Ward, Eva Ward, Abraham Ward, Arlos Ward, Ben Ward, Squire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Adie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Sara Ward, Elmore Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, are rejected. On June 22, 1906, there was filed with this office by Starr and Patton of Vinita, Indian Territory, a motion for rehearing of said case, together as it rejected the above named applicants, to which motion a reply of the Cherokee Nation was filed on July 26, 1906.

Secretary-2

In their letter to this office of August 4, 1906 Starr & Patten state that after further investigation of the case they find that they would be unable to add any strength to the applicants' side of the case if a rehearing was granted, and, for reasons stated in their letter, they consent that their motion for a rehearing of said case shall be dismissed. Said motion for rehearing, the reply thereto by the Attorney for the Cherokee Nation, and a copy of the letter of Starr & Patten of August 4, 1906, are enclosed herewith, and in view of the statements contained in said letter, it is respectfully recommended that the motion be dismissed.

There was also filed with this office on June 26, 1906, by Thomas & Foreman, attorneys, Muskogee, Indian Territory, a motion for rehearing of the applications of "Will Ward and his four minor children and of Alonzo Ward and his three minor children, for enrollment as Cherokee freedmen citizens of the Cherokee Nation."

The record shows that the application of Will Ward for the enrollment of himself and minor children, Gracie and Frances Ward, as Cherokee freedmen, is included in the above mentioned case, and the records of this office fail to show that an application has been made for the enrollment of any children of his other than these two.

Secretary-3

The application of Alonzo Ward for the enrollment of himself and minor children, Savannah, Ezra and Elmore Ward as Cherokee freedmen, is included in the above named case.

The reply of the attorney for the Cherokee Nation to this motion was filed with this office July 17, 1906. There is no claim in this motion as to the discovery of new evidence, or as to the nature of the evidence sought to be introduced at a rehearing, and why it could not be secured, with due diligence, when the case was heard before the Commission, nor is it shown that the motion is not made for the purpose of delay. Said motion and the Nation's reply are also enclosed, and it is respectfully recommended that the same be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

L M B

Commissioner

Encl. B-36

Cherokee Freedman
R 281 et al.

Muskogee, Indian Territory, August 18, 1906

Starr and Patten,

Attorneys for Peter Hudson , et al.

Vinita, Indian Territory.

Gentlemen:

Receipt is acknowledged of your letter of August
4, 1906, referring to a motion for rehearing in the
Cherokee freedman consolidated case of Peter Hudson et al.
The contents of said letter have been duly noted.

Respectfully,

L M B

Commissioner

Land
72347-1906

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 28, 1907.

The honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter (I .I.D. 3234-1904), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated August 16, 1906, transmitting the motions for rehearing together with the replies of the Cherokee Nation relative to the application of Peter Hudson, et al., for enrollment as Cherokee freedmen.

On June 25, 1906, Starr and Patten, attorneys for the applicants, filed a motion for rehearing in the consolidated case of Peter Hudson, et al., in which the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the applications for the enrollment of Peter, Louise, Eva, Abraham, Artes, Ben, Squire, Joseph, Fennie, Eliza, Sadie, David, George, Alenise, Savannah, Ezra, Elmore, Will, Gracie, Frances, and Harry Ward, Eliza Hudson, Malinda, Monroe, and Delois Williams as Cherokee freedmen, was approved by the Department on April 29, 1904 (I.I.D. 3234).

1906.
On July 25, a reply to this motion was filed by
W. W. Hastings, attorney for the Cherokee Nation.

On August 4, 1906, Starr and Patten informed the Commissioner by letter that they desired their motion for rehearing dismissed as they had no further testimony to offer on behalf of the applicants which would strengthen their case. A copy of this letter is enclosed.

The Office concurs in the recommendation of the Commissioner that the motion above referred to, be dismissed.

On June 25, 1906, Thomas and Foreman, attorneys, filed a motion for rehearing in the matter of the application of "Will Ward and his four minor children and of Alenze Ward and his three minor children, for enrollment as Cherokee freedmen."

The application of Will Ward for the enrollment of himself and his minor children, Gracie and Francis Ward, as Cherokee freedmen is included in the case of Peter Hudson, et al., above referred to. The Commissioner reports that he is unable to find any record of an application for the enrollment of any other children of Will Ward than those above mentioned. The application of Alenze Ward for the enrollment of himself and his minor children, Savannah, Ezra and Elnera Ward as Cherokee freedmen, is also included in the case of Peter Hudson, et al.

The reply of the Cherokee Nation was filed on July 17, 1906.

As the motion for rehearing does not show that new evidence has been discovered, or that the motion is made for any

other purpose than that of delay, the Office concurs in the recommendation of the Commissioner that the motion be denied.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

WHD-C

D.C. 7700-1907

Y.P.

I.T.D. 1040-1907.
LRS

DEPARTMENT OF THE INTERIOR, THE
WASHINGTON.

February 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing in the Cherokee freedman case of Peter Hudson, et al., received with your letter of August 16, 1906, and Indian Office letter of January 28, 1907 (Land 72347-06), are denied, in accordance with the recommendations made by you and the Indian Office. A copy of the Indian Office letter is inclosed.

The papers in the matter have been returned to the Indian Office for its files.

Respectfully,

Thos. Rym.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 6 for Ind. Of.

Cherokee F
R 268.

COPY

Muskogee, Indian Territory, March 7, 1907.

George Ward,

Jeffreyville, Kansas.

Dear Sir:

You are hereby advised that the motion for a rehearing in your Cherokee freedman enrollment case was denied by the Secretary of the Interior, February 4, 1907.

Respectfully,

SIGNED *Wm. B. B. B.*

Commissioner.

HJC

Cherokee v
R 261 et al.

COPY

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing filed in the Cherokee freedmen enrollment case of Peter Hudson, et al., was denied by the Secretary of the Interior February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Tams Bixby.*

Encl. HJ-84.
HJC

Commissioner.

COPY

Cherokee F
R 281 et al.

Muskogee, Indian Territory, March 7, 1907.

Starr & Patten,

Attorneys for Peter Hudson, et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion for a rehearing filed in the Cherokee freedom enrollment case of Peter Hudson, et al., was denied by the Secretary of the Interior February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-88
HJC

SIGNED *Sam. Bixby*
Commissioner.

Cherokee F.
R 288.

Muskogee, Indian Territory, April 1, 1907.

George Ward,
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the motion filed by your attorneys, Kappler & Merillat, for a rehearing of your Cherokee freedman enrollment case, was denied by the Secretary of the Interior, March 4, 1907.

Respectfully,

Acting Commissioner.

LMC

Cherokee P

282.

Muskogee, Indian Territory, April 1, 1907.

V. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Gen. D. Rodger
Acting Commissioner.

Encl. C-104
LMC

Cherokee F
R 282.

Muskogee, Indian Territory, April 1, 1907.

Kappler & Merrillat,

Attorneys for Peter Ward, et al.,

Washington, D. C.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rodgers
Acting Commissioner.

Encl. C-102
LMC

(C O P Y)

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
12132-1907
21308-" (Copy)

March 2, 1907

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith motion for review and re-hearing of Departmental decision of February 4, 1907, in denying motion for re-hearing in the Cherokee freedman case of Peter Hudson, et al., filed in this Office by Kaypler & Merrillat, attorneys for Will Ward and his children, who are parties applicant in the consolidated freedman case of Peter Hudson, et al.

The motion alleges that an injustice has been done the parties in this case, for the reason that their interests have been consolidated with other interests, which are not supported by sufficient testimony, and that these applicants have lost a just right to enrollment by reason of their case having been consolidated with the case of others, and particularly with reference to Abraham Ward.

The motion is supported by affidavits of Cherokee Indians by blood, and others. The Office is of the opinion that the motion should not be granted at this time, and it is therefore recommended that it be denied.

The record in the case is enclosed herewith.

Very respectfully

O. F. Larrabee,

Acting Commissioner

EWE-SD

D. C. 13299-1907

(C O P Y)

Y P
L L B

I.T.D. 7234-1907
L R B

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Direct

March 4, 1907

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing of the Cherokee freed-
man case of Peter Hudson et al., filed in the Indian Office
by attorneys for applicants, is hereby denied, as recommend-
ed by that office in letter of March 2, 1907 (Land #1308),
copy inclosed.

The papers in the matter and a carbon copy hereof
have been sent to the Indian Office.

Respectfully,

(Signed) E. A. HITCHCOCK
Secretary

Cher.Fr.R-289

Cher.Fr.R-289

See
Cher.Fr.R-283, 281, 290, 291-2, #1333

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 8, 1901.

In the matter of the application of Alonzo Ward for the enrollment of himself, his wife, and three children, as Cherokee Freedmen.

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Alonzo Ward, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Alonzo Ward.
Q How old are you? A 35.
Q What is your post office address? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My wife and three children.
Q What is your wife's name? A Mahaley.
Q Is she a citizen of the Cherokee Nation? A No, sir.
Q Known as a state woman? A Yes, sir.
Q How old is she? A 25.
Q Give me the names of your children? A Savannah.
Q How old is Savannah? A 10 years old.
Q The name of the next child? A Ezra.
Q How old is Ezra? A 5 years old.
Q What is the next one? A Elnora.
Q How old is Elnora? A 3 years old.
Q Any other children? A No, sir.
Q What was your father's name? A Abram Ward.
Q Is he living? A Yes, sir.
Q Is he the Abram Ward who has just been listed for enrollment?
A Yes, sir.
Q What is your mother's name? A Caroline Ward.
Q Is she living? A No, sir, she is dead.
Q Your name on the roll of 1880? A Yes, sir.
Q On the 1880 roll? A No, sir, it is on the Wallace and Kern-Clifton roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Alonzo Ward on page 125, No. 3118, Cooweescoowee district;
Mahaley Ward not on roll;
Savannah Ward on page 125, No. 3125, Cooweescoowee district.

- Q You didn't draw for the two younger children? A No, sir.
Q Who is Henry Ward? A He was my child, but he is dead.
Q Do you know any Ernest Ward? A Yes, sir, my sister's boy.
The Wallace roll examined and the applicant Alonzo Ward identified thereon, page 152, No. 3163, as Alonzo Ward.
Q Where were you born? A Born here in this Nation.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q Living in the Cherokee Nation now? A Yes, sir.
Q Where were you married to your wife Mahaley? A In the Cherokee Nation.
Q When? (Hands Commissioner paper.)
Q Have you any certificate of marriage? A No, sir.
Q Your wife was a state woman? A Yes, sir.
Q Wasn't a citizen? A No, sir.
Q These children all living at this time? A Yes, sir.

Alonzo Ward - 2.

- Q Have you any proof of your marriage, anybody here you can prove your marriage by; anybody saw you married? A No, sir, nobody here that I know of.
- Q Anybody here knows that you been living with this woman? A Yes, sir.
- Q Is Mahaley your first wife? A Yes, sir.
- Q Are you her first husband? A Yes, sir.
- Q What was her name before you married her? A Sales.
- Q Where did you marry her? A Upon Big Creek.
- Q In the Cherokee Nation? A Yes, sir.

Will Ward, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Will Ward.
- Q How old are you? A 32.
- Q Do you know Alonzo Ward, the applicant? A Yes, sir.
- Q What relation is he to you? A My brother.
- Q Do you know his wife Mahaley? A Yes, sir.
- Q How long have you known Mahaley? A I have known her for 14 years.
- Q You known her ever since they were married? A Yes, sir.
- Q Have they been living together continuously as man and wife? A Yes, sir.
- Q Acknowledge in the neighborhood as man and wife? A Yes, sir.
- Mr. Hastings: Been married about 14 years, have they? A Been married 13 years.
- Q Was either of them ever married before? A No, sir.
- Q She have any children when she married him? A No, sir.

Commissioner: Alonzo Ward applies for the enrollment of himself, his wife Mahaley as a Cherokee Freedman by intermarriage, and three children, Savannah, Ezra, and Elnora. He cannot be identified upon the 1880 authenticated roll of the 1896 census roll. He is duly identified upon the Kern-Clifton and Wallace rolls, and his oldest child, Savannah, is identified on the Kern-Clifton roll. He avers that he was married to one Mahaley Sales, a non citizen, in the year 1877, but presents no certificate of marriage, but makes proof of the fact that he has been living with his wife, Mahaley, for the last eighteen or twenty years, and has been recognized as man and wife in the community in which they lived. Reference is made here to the testimony taken in the case of Abram Ward, who the applicant avers is his father, and who has this day been listed on Card D-607. The testimony taken in the case of the said Abram Ward will be made part of the record in the case of the applicant, and a copy of the testimony will be filed with the testimony of the applicant. The applicant presents satisfactory proof as to the birth of his two youngest children, Ezra and Elnora, their names not appearing upon any of the rolls. He is duly identified and makes satisfactory proof as to residence, consequently Alonzo Ward and his three children will be listed for enrollment as Cherokee freedmen on a doubtful card, and his wife, Mahaley, will be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card.

Supplemental.

- Mr. Hastings: Were you sitting here when your father made application? A I was standing out yonder on the side of the ropes.
- Q You heard his statement? A No, sir, I didn't.
- Q You were not present then? A No, sir.
- Q You heard George Meigs testify? A No, sir, I didn't.

Alonzo Ward - 3.

- Q Where were you born? A I was born in this Nation.
Q They always tell you you were born here? A Yes, sir.
Q What time of the year were you born? A I don't know.
Q You know whether the spring or the fall? A In September.
Mr. Hastings: I would like to have the record show his age on the Wallace roll.
The age of the applicant appears on Wallace roll as 23.

0-0-0-0-0-0-0-0

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 12th of June, 1901.

(Signed) T. B. Needles,
Commissioner.

0-0-0-0-0-0-0-0

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

H. M. Vance

Subscribed and sworn to before me this the 12th day of May, 1904.

Charles H. Sawyer
Notary Public.

Mallotte & Smith, for applicants
V. W. Hastings for the Cherokee Nation -

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8th, 1901.

In the matter of the application of Abraham Ward for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner T. B. Headlee, testified as follows:

Q What is your name? A Abraham Ward.
Q How old are you? A 56.
Q What is your postoffice address? A Wymer.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A One boy
Artes Ward.
Q How old is he? A 18 years old.
Q Are you a recognized Cherokee freedman? A In part I am.
Q Is your name on the 1880 roll? A No sir.
Q Is it on any of the rolls? A The Kern Clifton and on the
Wallace roll.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1886 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kern Clifton roll examined and the names of the applicants found thereon as follows:

Page 125, No. 5114, Abraham Ward, Cooweescoowee district.

Page 125, No. 5124, Artes Ward, Cooweescoowee district.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 152, No. 5182, Abraham Ward, Cooweescoowee district.

Q Where were you born? A On Butler's prairie.
Q In the Cherokee Nation? A Yes sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Jim and Eliza Ward.
Q Were they Cherokee citizens? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A No,
sir, after I was liberated I went into the Government service.
Q Where did you go? A In '68 I went into the Union Army.
Q What regiment? A Blount's Division.
Q Where did you enlist? A I didn't enlist, I was working for the
officers, body servant.
Q Where did you go? A Went to Cove Hill, Arkansas, worked on the
officers and after that I drove a Government team.
Q When did you return to the Cherokee Nation? A In the spring of
'68.
Q Have you lived here continuously ever since? A Yes sir.
Q Are you married? A Yes sir but my wife is dead.
Q How was the mother of Artes? A Caroline.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A The Adams.
Q Is her name on the 1880 roll? A No sir.
Q Was her name Caroline Adams before you married her? A Yes sir.
Q When did you marry her? A In '64.
Q Where? A Up in Kansas.
Q Did you return with her? A Yes sir, I came on horse and then went
in the fall and brought her.
Q How much of a family did you have then? A None, all of my
children were born here.

Q Did you live with Caroline until her death? A Yes sir.

Q Who were your owners? A Jim and Louisa Ward.

Q And they were Cherokee citizens were they? A Yes sir.

By Mr. Mallette:

Q Have you a place on the Public Domain of the Cherokee Nation?

A Yes sir.

Q How long have you owned it? A Since '86.

By Mr. W. W. Hastings: The above question as to owning a place is objected to by the representatives for the Cherokee Nation because it does not tend to prove the issue.

By Mr. Mallette:

Q You have never lived out of the Cherokee Nation since your return in '68? A No sir.

By Mr. Hastings:

Q Your father was Peter Ward? A Yes sir.

Q Are you his son? A Yes sir.

Q Are you his oldest son? A Yes sir.

Q You went to Mound City Kansas didn't you? A Yes sir after I quit driving Government teams.

Q That is in Linn County? A Yes sir.

Q Do you know Ousky Brown? A Yes sir.

Q Did you see him in Kansas? A Yes sir.

Q What year did you see him there? A I think it was in '67.

Q You know Joe Ward? A Yes sir we was raised together.

Q He was your young man? A Yes sir.

Q You saw him in Kansas too didn't you? A Yes sir in '65 when I was driving a Government team he come to our house.

Q Was that after or before the war closed? A Some year that the war closed, I saw him in Mound City and he went up to my father's house. I was living with my father.

Q You were not married then? A No sir, married directly after.

Q What year did you marry? A In the fall of '65, after he was up there.

Q How old is your oldest child? A He is 22 I think it is according to my judgment.

Q What time in the year was that oldest child born? A In September.

Q Was he 22 last September or this coming September? A This coming September.

Q That is your best judgment? A Yes sir.

Q Did you come back with your father, Peter Ward? A No sir not the first time I came.

Q Didn't you testify before that you come back with your father?

A No sir, I went to Fort Gibson the first time and the last time I come down with him.

Q How long after that did you come back with your father?

A The same year, I come to Fort Gibson and then come back to Kansas and back here again in the fall of '65.

Q You had married then? A Yes sir.

Q You came down the last time with your father? A Yes sir.

Q Who came with you that first time? A My wife and two boys.

Q Came through on horse back? A Yes sir.

Q How long did you stay there? A I didn't know how long time, had him take there.

Q How? A Carry him and my horse.

Q Tell how long did you stay there? A I don't know how long.

Q How long after that did you come with your father? A In November.

Q You located permanently that last time? A Yes sir I was on the track when I went back down there to Kansas to look after the place.

Q How far did you locate from that place? A I don't know.

Q What direction from the mouth of Snow Creek? A Northeast.
Q How far from the Kansas line? A About 8 miles south.
Q Who was living there in that country then when you went through from Fort Gibson to Kansas? A Sam Webber, George Maigs, Peter Maigs, old man Sam Webber.
Q Had they houses there then? A Yes sir.
Q Had they made a crop of corn that year? A Not much, there was a drought there, that was when I went up the first time.
Q What time was it when you went up? A In August.
Q Did Sam and his daddy have a crop of corn in? A Not much, sort of a patch.
Q That was in 68? A No sir.
Q Your young master Joe Ward testified that he saw you there in '67?
A I was traveling up there through that country and saw him the year of the war closing, because he went to my house with me.
Q Did you ever see Will and John Ward or any of your young masters since the war? A Yes sir.
Q Where? A On Big Creek.
Q When? A I had been there about two years.
Q Did you locate right on the place where you now live? A Yes sir.
Q And have lived there ever since? A Yes sir.
Q Is your father living? A Yes sir.
Q He lived there with you? A Yes sir.
Q What Cherokees are living along there? A Albert Morris.
Q Was he living there when you come? A No sir.
Q How far was Jim Martin living from there when you come there?
A No sir, he was not living there and the Delawares were not living there either then.
Q You anticipated that question didn't you? A I know they was not living there then.
Q What made you answer that question before I had asked it? A I heard some of the people saying that they was up there then and I am telling you right. I thought it was coming and I was going to tell you about it.
Q Where did you get anything to eat that fall? Get it from these Webbers and Sanders? A We brought some along with us.
Q Do you know Jess Brown and Tegumseh? A Yes sir.
Q They were up in Kansas looking after some pension matters weren't they? A I don't know.
Q Was Sam Webber living in a house up there? A Yes sir.
Q Who did you stay all night with up there? A With Peter Maigs.
Q That was in August? A Yes sir.
Q 1868? A Yes sir, latter part of August.
Q Did old Peter Maigs have in a crop there then? A Yes sir a little one.

By the Commission:

Q Why is your name not on the 1880 roll? A I don't know, the census takers didn't come there.

Q Did you ever apply to have your name enrolled? A No sir; the reason I didn't was because several men went down there and tried it and came back and said that it was not necessary to go down there as they was not enrolling us people.

L. D. DANIELS, called and sworn as a witness before Com'r T. B. Needles, testified as follows for the applicant:

By Com'r Needles:

Q What is your name? A L. D. Daniels.

Q What is your age? A 68.

Q What is your postoffice address? A Claremore.
 Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A I got acquainted with him in the fall of '66.
 Q Do you know if he was a slave? A No sir I don't.
 Q Where did you see him in the fall of '66? A At Fort Gibson.
 Q Have you known him ever since that time? A I saw him after I moved up here to Cooweescoowee.
 Q How did you happen to see him in Fort Gibson in '66? A He come to Amanda and Ruthie Adair and was going to take them away and I asked him what he was going to do with them, and he said he was going to take them to his people.
 Q You had never seen him before that? A No sir, he was a stranger to me then.

By W. W. Hastings:

Q He was a stranger to you in '66? A Yes sir.
 Q You had never seen him before that? A No sir.
 Q You didn't witness for him before the Kern Olferton court did you?
 A No sir.
 Q Do you know how long he staid in Fort Gibson that time? A No sir, I don't.
 Q What time did you see him there? A In the fall.
 Q What time in the fall? A First part of September or the last part of August, somewhere, along there.

By the commission:

Q How did you know it was in '66? A Because I was living right there and noticed all the girls that come in there.
 Q You was a young man then? A Yes sir.
 Q You was a government officer also wasn't you? A Yes sir.

SAM WEBBER, called and sworn as a witness by Com'r Needles, testified as follows:

Q What is your name? A Sam Webber.
 Q How old are you? A 58.
 Q What is your postoffice address? A Nowata.
 Q Are you a recognized Cherokee Freedman? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A Got acquainted with him in Kansas during the war.
 Q During the war? A Yes sir, time of the war.
 Q Do you know when he returned to the Cherokee Nation? A In the fall of '66 was when I first remember seeing him in the Nation.
 Q Where did you see him? A On Big Creek.
 Q He come up there to live? A Yes sir.
 Q Did he have any family there with him? A Yes sir he had his family with him.
 Q Did you know if he was a slave in the Cherokee Nation before the war? A Only what he told me.
 Q Have you known him ever since? A Yes sir.
 Q Has he lived in the Cherokee Nation continuously ever since?
 A Yes sir.

By W. W. Hastings:

Q He settled there right in the fall of '66? A Yes sir, frost was falling.
 Q How long before had you and your family been there? A Not long, I moved down there a short time before that.
 Q About how long before that? A I can't just tell, not a great while.
 Q A month? A Must have been a month, I don't remember exactly.
 Q Are you prepared to swear positively that all these people came

down there 35 years ago, in '66? A Yes sir all those I am acquainted with that come.

Q How far did this man live from you then? A 4 miles.

Q He has lived there ever since? A Yes sir.

Q You know he was living there in '67? A Yes sir.

Q You know he was living there in '68? A Yes sir.

Q You are willing to swear that he has continued to live there continuously ever since '66? A Yes sir.

Q Did you know his father? A Yes sir.

Q What was his name? A Peter Ward.

Q He come with his father did he? A Yes sir they come together.

Q And settled in the same neighborhood? A Yes sir.

Q What place in Kansas did you come from? A Linn County, same place they come from.

Q Mound City? A Yes sir.

Q Did you know them there? A Yes sir.

Q Did you go back up there directly after you come down here and settled? A No sir.

Q Did you go back there in '67 or '8? A No sir.

Q Was this man married when he come down there? A Yes sir.

Q Was his wife with him? A Yes sir.

Q How many children did he have then? A I can't tell you how many he had, but he must have had as many as two or three. I can't tell.

Q Did he have any? A If he did, I don't know it.

Q You know he was married though? A Yes sir.

Q Did he live with his father when they first came there? A They both camped there close together.

Q Did they make separate homes? A Yes sir.

Q Had you made a crop there when he come? A No sir.

Q None of you had crops in then did you? A No sir, couldn't, hadn't been there long enough.

Q About how far did they locate from the Kansas line? A I don't hardly know.

APPLICANT recalled and examined by W. W. Hastings:

Q You say Will and John Ward directly after Will got into trouble did you? A Yes sir I saw Will, he come to my house.

Q You had a talk with him? A Yes sir.

Q You told him where you had been? A No sir, not exactly as to where I had been.

Q Talked about old slavery times? A Yes sir.

Q Told him when you had come back? A No sir that question was not asked.

Continuation of the above application reported by B. C. Jones.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this 18th of June, 1901, at Nowata, I.T.,

Signed, T. B. Needles,
Commissioner.

(Continued from testimony taken by Stenographer Chas. von Weise, June 8, 1901.)

GEORGE MEIGER, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A George Meigs.
- Q What is your age? A I don't know exactly, about sixty some odd.
- Q What is your postoffice? A Wimer.
- Q Are you a recognized Cherokee Freedman? A Yes sir.
- Q Your name on the 1880 roll? A No, sir.
- Q You made application to be enrolled? A Done been enrolled, all excepting two witnesses.
- Q Do you know Abram Ward, the applicant here? A Yes, sir.
- Q How long have you known him? A Ever since he moved on Big Creek.
- Q Do you know whether he was a slave before the war? A Yes, sir, he was a slave.
- Q Who did he belong to? A Belonged to a man they called George Ward.
- Q Do you know whether he went out of the Cherokee Nation during the war or not? A Yes, sir.
- Q Where did he go? A Went up to Fort Scott.
- Q Did you see him? A No, sir, I just met him up there.
- Q Do you know when Abram Ward, the applicant, returned to the Cherokee Nation? A Why I don't know exactly.
- Q When was the first time you saw him after the war? A Why it was in the fall of '66.
- Q Where did you see him then? A On Big Creek.
- Q Was he living there? A Well, he has been there ever since.
- Q Was he living there then? A When I saw him, why he just came.
- Q Did he have a family with him when he came? A Yes, sir.
- Q How many children did he have? A Well, I can't hardly tell you.
- Q Have his wife? A Yes, sir.
- Q Was he camping there, or had he built a house? A Well, he came in and camped, and built a house.
- Q Have you known him since that time? A Yes, sir.
- Q Has he always lived in the Cherokee Nation since '66, to your knowledge? A Yes, sir.
- Q You were taken out during the war, were you? A Yes, sir.
- Q Did you return with Abram Ward? A I returned just a little before he did.
- Q You saw him here in '66 in the fall? A Yes, sir.
- Q Mr. Hastings: How long had you been back when you saw Abe? A I don't know exactly.
- Q A year or two? A I hadn't been back a year, no, sir.
- Q Well, had you put in a crop that year you came back? A No, sir, I hadn't then.
- Q Did you have any corn in when he came? A No, sir.
- Q Any potatoes in? A I had a patch started to clear out.
- Q But you had no corn on it? A No, sir.
- Q You didn't plant any that year? A We didn't plant any till it got time to plant it.
- Q But had you planted any when this man came down here? A No, sir.
- Q George, you don't know anything about dates, years? A No, sir, I don't.
- Q You don't know one year from another? A No, sir, I don't know, of course I am got no education.
- Q Where did you live before the war? A Well, now I lived in the Cherokee Nation before the war.
- Q What place in the Cherokee Nation? A Well, as near as I can tell you to tell you the truth, I lived east of a little town they called Dutch town on a big hill; west of it.
- Q Who did you belong to? A Belonged to a man they called Mabel

Daniels and Lila Daniels.

Q How far was that from Beattie's Prairie? A It wasn't a great ways, I don't know.

Q What direction was Beattie's Prairie ~~xxxxxxxxxxxx~~ from where you lived? A To my judgment, it must have been kinder north, nearabout north.

Q You were up there before the war, were you, Beattie's Prairie?

A No, sir, I don't know that I have ever been to the place.

Q When did you first see Abe? A The first time I saw Abe to recollect him was at Fort Scott.

Q During the war? A Yes, sir.

Q Then you never saw him before the war? A No, sir.

Q You don't know of your own personal knowledge who he belonged to?

A Of course I don't, but I know what he says, who he belonged to.

Q You swore a while ago he belonged to George Ward? A That is what I told you his owner was.

Q You don't know that? A No, sir.

Q You are the son of Peter Meigs? A Yes, sir.

Q Peter Meigs went down before the Court to have himself and family enrolled? A Yes, sir.

Q Did you go along with him? A No, sir.

Q He is dead? A Yes, sir.

Q He didn't get enrolled? A No, sir.

Q He has been refused by the Cherokee Nation? A Yes, sir.

Q You know this man, the applicant, has been refused all the time?

A Yes, sir.

Q To the best of your judgment, how many children did he have when you first saw him there, after the war? A I can't hardly tell you; I know all his children; he had one to my judgment.

Q But you don't know how many more? A No, sir.

Q What was this child's name? A Named Lon.

Q He stayed right near you? A Yes, sir.

Q He came down with his father, didn't he, Peter Ward? A Yes, sir.

Q They all came down together and stayed up there? A Yes, sir.

Q I want to know if you are positive about the year that they came in? A Yes, sir.

Q They have lived there continuously ever since that year they came? A Yes, sir, ever since.

Q They never went back to Kansas and left up there? A I believe the old man went back once or twice for grub.

Q Not up there to live? A No, they never went up there to live.

Q Are you willing to swear positively about the year they came?

A Yes, sir.

Q That was in 1866, was it? A Yes, sir, '66 we came.

Q Was it 1866? A I can't say whether it was eighteen hundred or not.

Q You are not positive about that? A I can't tell you anything about the dates, and I didn't suppose I would have to know anything about '66 like I do, but my daddy was rushing to get down there to get a place for he said for his children.

Commissioner: Your daddy knew he had to be there in '66 did he?

A Yes, sir.

Commissioner: Abram Ward applies for the enrollment of himself and his son Arden. He is not identified upon the substantiated roll of 1860 or the summer roll of 1866 from an examination of the same, but he is identified upon the Kern-Clifton and the Wallace rolls. His child Arden is also identified upon the Kern-Clifton roll. He swears that he was married to one Caroline Adair, who is now deceased, and makes satisfactory proof as to said marriage. Now Abram Ward and his child Arden will be listed for enrollment as Cherokees.

Re Freedmen on a doubtful card, awaiting further consideration by the Commission. He will be duly notified by mail at his post office address of the decision of the Commission, when arrived at.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce G. Jones,

Sworn to and subscribed before me this the 18th of June, 1901.

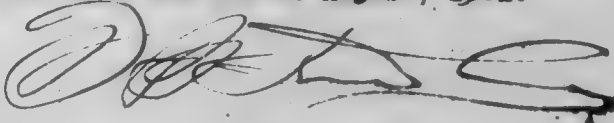
Signed, T. B. Needles,
Commissioner.

~~Subscribed~~

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce G. Jones

Sworn to and subscribed before me this the 8th of August, 1901.



Commissioner.

File with Cherokee Freedmen B-608, Alonzo Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mallette & Smith, attorneys for the applicants;
W. F. Hastings, of counsel for Cherokee Nation.

C. W. KINGSBURY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A C. W. Kingsbury.

Q What is your age, Mr. Kingsbury? A I am 47 years this fall.

Q What is your postoffice address? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City? A Ever since the 12th day of August, 1861.

Q Were you living there in 1865; you have lived there ever since, you say? A Yes, sir, lived there continuously ever since, made that my home.

Q What was your father's name? A My grandfather's name was Durbin.

Q Did you know a colored man in Mound City, Kansas, by the name of Peter Ward? A There was one lived there, yes, sir, by that name.

Q Did you know any of his children? A Yes, sir.

Q Name some of them? A There was Abraham, Berry, Mark, Miner, Squire, Eliza, Ben, Dave, Clint, George; that is all I can remember of them.

Q When did you first become acquainted with this family of Wards?

A In the fall of '63.

Q Where were they then? A They lived on a place west of ours.

Q How far was that from Mound City, Kansas? A That was three miles; it is three miles to my place and their place joined right west of ours.

Q Joined your place on the west? A Yes, sir, their place cornered with ours on the northwest.

Q How long did they continue to live from '65 in that immediate vicinity about Mound City? A From '65, in the fall of '65 I think, and then in the next spring they moved, taken a lease on the old gentleman's place, my grandfather's.

Q What was his name? A Amos Durbin.

Q That was in the spring of '66? A In the spring of '66 they moved onto our place.

Q When you say our place you mean your grandfather's? A Yes, sir, I mean the Durbin farm now, it is where I live now.

Q How long did they continue to live on that farm? A They took a lease on our place for four years, to clear up some timber lands, and they lived there three years and in the fall of '69 the old gentl man left, that is, he said he was going down to this country, that was in the fall of '69, and the remaining year of the lease, he wanted the old gentleman, that is Mr. Durbin, to let one of his boys live there the year of the lease out, and Mr. Durbin told him that he was welcome to stay on the place till his time was out, but he didn't want him to sub-rent to anybody, and Peter Ward said all right.

Q They gave up the last year? A Yes, sir, they gave up the last year.

Q And they lived there for three years from '66, as I understand it? A From '66 to the fall of '69.

Q Was there a barn built on the Durbin farm in the meantime? A There was a stone barn built there in '68.

Q How do you know it was built there in '68; have you anything else besides your own memory? A Yes, sir, the boss mechanic, A. J. Ranney, on finishing the work he placed a rock up over the door with his initials and the year it was erected in.

Q Do you know whether these people were there after the building of this year or not, living there? A Yes, sir.

Mr. Mellette: I think that is a very leading remark.

Q Well now how do you know it? A Mr. Ward was farming our place besides this land, he stored some wheat on our place and he stored some wheat and in the fall of '69 he left some wheat in our barn and the next spring he came and got it.

Q You know where he was the next spring, where he was living? A He said he had moved down to this country, that is what he said and we supposed he had.

Q Have you seen him since? A I have not; one of his boys was back there since, Abe, but what year I don't remember.

Q What is your occupation? A I am farming and stock raising.

Q You have mentioned a number of Peter Ward's family; did they all leave when Ward left, or about that time? A About that time; I can't say for sure whether the older boys left a short time before or a short time after, but I remember Uncle Peter going away at this time that I spoke of.

Q You remember Abraham Ward living there? A Yes, sir, he lived there every time when he was there, the boys were all at home on the place there.

Q Is your grandfather, Durbin I believe, is he alive? A Yes, sir, he is living, he is quite an old man, he is 88 years old.

Mr. Mellette: I didn't get your name? A C. W. Kingsbury.

Q What is your postoffice? A Mound City, Kansas.

Q How old are you? A I am 47 this fall.

Q How old were you in '66? A In '66 I was 12 years old, I was born in '54.

Q Did you, as a 12 year old boy, pay much attention to dates?

A What do you mean, in what way do you mean?

Q Well I mean exactly what I said? A Well this time that I spoke of, of knowing when Uncle Peter took this lease on our place; this place that he moved onto our place from belonged, when he took the lease on that, to a man named Corbin, and he built a house.

Q Now are you going to answer my question? A Yes, sir, what is it?

Mr. Hastings: If you want to tell him how you got at this date, go on and tell him.

Mr. Mellette: I asked you if, as a 12 year old boy, you paid very much attention to dates? A I remember that distinctly.

Q When were you first asked to appear as a witness in this case?

A I think there was a gentleman at my house twice, the last time I don't remember when, but I think it was along the last days of last month.

Q How long was it after Peter Ward and his family left Kansas, that that man came to you and asked you about these facts? A It was from '69 until 1901.

Q How long is that? A From '69 would be 32 years, if I am not mistaken.

Q Do you remember back then 32 years to the time when you were a 12 year old boy and remember the years that these colored people leased the land? A I do.

Q And when they moved off? A Yes, sir.

Q Where were you living at that time? A I must have lived on the place, I was living the same place I live now, three miles west of Mound City, in Lynn County, Kansas.

Q Is that the only date you can remember about things that took place in those days? A No, sir.

Q You have lived in one spot all the time? A I have lived continuously, that has been my home on that farm since '61.

Q That impresses the fact on your mind as to when these people lived on that land? A As I said, Mr. Ward was living on a farm that

belonged to Corbin and he had put up a house there, a log house, he wanted to move that house over onto the old gentleman, my grandfather, and my grandfather objected and told him he had better go down in our timber and cut logs and build a house.

Q You know of that? A Yes, sir.

Q You remember that conversation 32 years ago? A Yes, sir.

Q You are giving the exact conversation that you heard 32 years ago?

A I remember the contract and the conversation.

Q Were you a business man at that time? A Well, I wasn't, I don't suppose, considered so legally.

Q Did you conduct business at the age of 12? A In the way of leasing land I didn't, and Mr. Alexander came out from Indiana in the fall of '65 and bought the land then, this land that this gentleman, Mr. Ward, lived on, and then in '66 P. D. Alexander moved on the farm and lived there until the time of his death.

Q Now is it not a fact that Peter Ward and his family left your grandfather's place in '66 because they understood they could get a home here by coming in 1866, that they departed at that time? A I don't think it is.

Q Well, what do you mean by saying you don't think it is? A Well I mean that he lived three years of this lease out there on the farm, that is, having three years on the farm.

Q Was there any particular reason for your remembering that for 32 years, the time that these people were on your grandfather's farm?

A The thing that calls the memory to the time was the fact that Alexander bought the place.

Q And you remember the year he bought the place? A Yes, sir.

Q Do you remember this by talking to your granda here or somebody else or have you retained it in your own memory? A I have retained it in my mind, by talking to Alexander during his life time.

Q Did you remember it by talking to Alexander? A Yes, sir.

Q Did you remember what Alexander told you? A I know he came

Q You are testifying about these dates by what Alexander told you? A I am not.

Q Did you say you remember it by talking to Alexander in his life time? A I remember him moving there in '66 same as I remember I moved to Kansas in '61.

Q Then if Peter Ward and Abraham Ward and the rest of the Wards swear they left Kansas in '66 they are mistaken, are they? A I don't know what they testified to..

Q Who else lived on your grandfather's place after the Wards moved off? A At the time they lived on the place there, at one time, not all the time, there was a man by the name of Anderson Turk.

Q When did he move on the place? A He moved on the place sometime in '65, he had been on the place I think a year.

Q When did he move off? A He moved off the place, let's see, about '75.

Q Well, are you swearing he moved off in '75? A He moved up north and bought a place up north, he lived on the place 12 years and moved there in '65.

Q What year did he move off? A About the year 1875.

Q You swear that, do you? A Yes, sir.

Q Who lived on the place besides that man? A Why George Brown lived there.

Q When did he move on the place? A He didn't rent, he just simply rented a room from Anderson Turk and lived there.

Q When did he rent the room? A Why it was sometime, it was in '67 or '68, I am not sure which.

Q Well, which is it, '67 or '68; just as much reason for you to remember that as there was about Peter Ward?

Mr. Hastings: Don't argue that question.

Q What year was it that that man lived on the place? A '67 or '68, I am not sure which.

Q Why can't you remember, if you can remember when Peter Ward moved

- 4 -
on the place and when he moved off? A Brown lived there just a short time and by permission of Anderson farm.

Q When did he live there? A I think one winter.

Q You don't know when he went on and when he went off? A In the fall season he went in and just wintered there one winter.

Q Who lived on this place in 1870? A There was no one in '76, nobody then but our own folks.

Q Who cultivated it? A The old gentleman.

Q Anybody else ever live on that place? A How do you mean, since '66? A Yes, sir, since '66? A Yes, I think Uncle Ben Ward lived on the place.

Q When did Ben Ward live on the place? A He lived on the place I think it was, let's see, about '87.

Q Now was it about '67, or was it '67? A I am not sure whether it was '67.

Q Why can't you remember when Ben Ward lived on the place? A I am pretty sure it was '67 when he lived on the place.

Q Do you swear positively it was '67 when he lived on the place?

A I am pretty sure of it, I am not positive.

Q Might have been '66? A No, it wasn't '66, because my recollection is that he moved on the place after Uncle Peter did, took another lease.

Q It was '67 then? A Yes, sir.

Q Might have been '68? A Yes, it was either '67 or '68, was either of the two years, it was a year after Uncle Peter moved.

Q You want to be understood as swearing positively that Uncle Peter Ward moved on the place in '66? A Yes, sir, spring of '66.

Q And you were a 12 year old boy at the time? A Yes, sir.

Q Don't you think you have a remarkable memory? A I never considered my memory as anything extra.

Commissioner: Mr. Kingsbury, Mr. Hastings asked you your father's name and you gave your grandfather's name; why did you not give your father's name when he asked you? A My father was in California and my grandfather raised me, I have been living with him ever since I was 7 years old, ever since; my father is dead now.

Mr. Hastings: I had talked to you about your grandfather's place?

A Yes, sir, that is the place that I live on now, and this family lived on is my grandfather's now, he is still living, he is quite an old man.

BYRON OSBORN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Byron Osborn.

Q Mr. Osborn, how old are you? A 49 years old.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City, Kansas? A Well sir, my father settled there in '54, March 23.

Q Have you lived there since that time? A Well, that has been my home, I have been away a year or so at a time, was back in Illinois a couple of years and I was out in Colorado about the mountains about 12 or 14 months.

Q Well, where were you the three or four years after the war? A I was on our place, home.

Q How far was your place from Mound City, Kansas? A Three miles.

Q What direction? A Southwest.

Q How far was that from the Durbin farm? A Well, it is about two miles and a half I should judge.

Q Do you know Mr. Kingsbury, who has just left the stand?

A Yes, sir.

Q He is grandson of Durbin? A Yes, sir.

Q Did you know a colored man by the name of Peter Ward? A Yes, sir, I used to know Mr. Ward.

Q Did you know any of the members of his family? A Yes, sir.

Q Give me the names of some of them? A I know of Abe and I know Perry and I know Squire Ward, that is about all that I know, he had

other children but I wasn't acquainted with them, I think he had some girls I wasn't acquainted with.

Q When did you know them? A Well, sir, it was along I think the latter part of summer, they lived in there.

Q About how long did you continue to know them? A Well, the best of my recollection is that I knew them I think probably eight or nine or ten years.

Q I mean did you know them after the war? A Yes, sir.

Q How long after the war did you know them? A Well, I should judge it was, to the best of my recollection, I think it was probably five or six years after the war, four or five maybe, sometime after the war, but I can't state how long.

Q Do you know where they were living? A Yes, sir.

Q What place? A They were living on Mr. Durbin's farm.

Q Do you remember where they went when they left there? A Well I don't know positive, only I have understood they came to the Indian Territory.

Mr. Mellette: How old are you? A 49 years old.

Q How old were you when the war closed? A Well I guess I was about 12 or 14 years old.

Q Now who did you first talk to about knowing anything about these people? A Mr. Keys.

Q Mr. Keys came up into Kansas, didn't he? A Yes, sir.

Q Found you? A Yes, sir, he asked me did I know the Wards and I told him I did.

Q Well was that the first time that anybody had ever talked to you about when the Wards left that country? A Yes, sir.

Q That has been about 32 years ago, hasn't it? A Well it has been a long while, I don't know just how long.

Q You were a boy about fourteen years old? A Yes.

Q Do you think you can remember back to your boyhood days and swear positively when Peter Ward left that country? A I don't swear positively.

Q How far do you swear positively? A Well I know that he was there sometime after the war.

Q You know he was there sometime after the war? A Yes.

Q Can you remember the events and the successful or of facts as they happened thirty years ago when you were a boy? A Well some things I can.

Q Well, do you think this is one of the things? A Well I remember that Mr. Ward lived there, he had a boy by the name of Abe who used to work for my father sometime after the war, he worked on our place, but I can't say positively what year it was.

Q You don't know when he worked on your father's place? A I don't know what year it was, it was sometime after the war, quite a while.

Q And you don't know when he moved to Mr. Durbin's place? A No, sir.

Q Can't you remember the year he worked on your father's place?

A No, sir, not positive.

Q When did they stop fighting up there in Kansas? A Along about, I think the last fight they had was when Price went through, I think the latter part of '66 or '65, along there.

Q '66, was it? A Or '65.

Q You say they had a fight up there the latter part of '65, that Price went through there? A No, I didn't say '65.

Q The latter part of '65 or '66? A The latter part of '66 or '65.

Q The latter part of '66 or '65, you say that? A I saw either the latter part of '65 or '66, sometime along in there that Price went through there.

Q Don't you know that Price made his raid through there in '65?

A No, I don't hardly believe he did.

Q And don't you know that General Lee surrendered to General Grant in April, 1865, and that there wasn't any fighting any place after April, '65? A Well it might be, but the war wasn't closed entirely.

till about '65.

Q. Yes but you say Price made his raid through there in '63 or '66?

A. I meant '64 or '65.

Q. What made you change? A. Well, I just made a mistake.

Q. Who talked to you after you came? A. Nobody.

Q. Well Mr. Hastings here consulted you, didn't he? A. He asked me some questions.

Q. Was Mr. Kingsbury present? A. Yes, sir.

Q. Who else was present? A. There was lots of gentlemen there.

Q. All you witnesses who came down in that case were present and talked to together? A. Well they asked me some questions.

Q. Now when you were being consulted you and Mr. Kingsbury and the other witnesses in this case were all sitting in the room and heard what went on here? A. I think maybe I did hear a part of Mr. Kingsbury's testimony, I wasn't in there all the time, I don't know anything about when Mr. Ward left that country, I can't swear positive, but I am satisfied that he was there several years after the war closed.

Q. But then if you think that Price made his raid through there in '65 or '66 you may be mistaken when the war closed? A. I meant '64 or '65.

Q. Do you say that Price did make his raid through there in '64 or '52? A. I wouldn't say positive.

Q. You wouldn't say positively about that? A. No, it seems to me it was in that time.

Q. You were a boy? A. Yes, I was a boy.

Mr. Hastings: You were summoned here as a witnesses on the part of the Cherokee Nation, weren't you? A. Yes, sir.

Q. I consulted you with a number of other witnesses down there?

A. Yes, sir.

Mr. Mellette: How were you summoned here on the part of the Cherokee Nation? A. By subpoena.

Q. Who served the subpoena on you? A. Mr. Campbell left it at my farm.

Q. Who is Mr. Campbell? A. His name is Nave Campbell.

Q. Where does he live? A. He lives in Mound City, Kansas.

JOSEPH L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A. Joseph L. Ward.

Q. What is your age, Mr. Ward? A. 55.

Q. What is your postoffice? A. Mayeville, Arkansas.

Q. You live in the Cherokee Nation side there? A. Yes, sir.

Q. You are a Cherokee citizen by blood? A. Yes, sir.

Q. Mr. Ward, what was your father's name? A. James Ward.

Q. Did your father ever own a colored man by the name of Peter Ward?

A. No, sir, my grandfather owned him.

Q. You knew Peter Ward then? A. Yes, sir.

Q. Before the war? A. Yes, sir, he married a negro woman my mother owned.

Q. He had some children? A. Yes, sir.

Q. You remember any of their names? A. Yes, sir.

Q. Well, give us some of them? A. Besides me the eldest, Berry, Margaret, Miner, Squire, Eliza, Nave, and Clint, is all they had when they left there that I know of, that I remember.

Q. Did they live there when the war came up? A. Yes, sir, in '63 as well as I can remember.

Q. Did you ever afterwards see them? A. Yes, sir.

Q. Where did you next see them? A. In Mound City, Kansas.

Q. When was that? A. In the fall of '65, October.

Q. Now when did you next see them? A. The next time one of them was here in White Post after that payment, the first payment of the Cherokees. I don't remember the exact date.

Q You don't remember the exact date? A No, sir.
 Q It wasn't this last colored payment? A No, it was the first payment that was had after the war.
 Q You don't remember the date of that payment? A No, I don't remember the date.
 Q Was this railroad through here at that time? A I think so.
 Q Well, which one of them did you see at that time? A Abraham.
 Q Did you have any conversation with him? A Why yes, he told me that he didn't get any money, that he came too late.
 Q He say where he was living at that time? A Living out here on Big Creek, up here in Coowascoowee.
 Q You remember when he said he came? A No, I don't, positive, it seems to me he told me he came here in '69, that is my best recollection.
 Q Did you see any other members of the family at the time? A No, sir, not that I remember.
 Q Have you talked with any of them since that about it? A No, sir.
 Q You live quite a distance from them? A Yes, sir, I live about fifty miles southeast of here, and they live northwest.
 Q You don't remember the date of that payment? A No, I don't remember the date of it, somewhere in '70 but I don't know exactly what date it was.
 Mr. Mellette: Well, did any of the colored people get the payment at that time? A I don't know, I don't think they did.
 Q Don't think any of them got it? A I don't know, I don't remember, of course I can't state.
 Q You wouldn't swear that he told you he came here in '69, positively? A Not positively, but that is my best recollection.
 Q Well, that has been a long time ago, hasn't it? A Yes, sir.
 Q You ever been arrested? A I don't know that that cuts any figure in the case.
 Commissioner: Please answer the question.
 A Why yes.
 Mr. Mellette: What were you charged with? A I was charged with charging an unlawful fee in a pension case.
 Q That all? A And detaining pension money.
 Mr. Hastings: What was done with the case, Mr. Ward? A Dismissed.

JOHN L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John L. Ward.
 Q What is your age, Mr. Ward? A Age is 50.
 Q What is your postoffice? A Mayville, Arkansas.
 Q You are a Cherokee citizen by blood? A Yes, sir.
 Q You live on the Cherokee side of the line? A Yes, sir.
 Q What was your father's name? A His name was James Ward.
 Q Did you know a colored man by the name of Peter Ward? A I did when I was a boy, I haven't seen him since.
 Q Did he have some children? A Yes, sir.
 Q You remember any of their names? A Yes, I recollect most of their names, there was Margaret and Abraham, Louise was the old lady's name.
 Q We want to identify the family, name some of them? A Margaret and Abraham and Berry and Mince and Ben I think and Dave and Elise and Clint.
 Q Did you ever see any of them after the war? A I never saw but one of them, yes I have seen them too, I seen Squire here the last Court, one they call Dick or Squire.
 Q Well which one did you see first after the war? A That was Mince.
 Q What was her name then? A Now I think she called her name.
 Q Where did you see her? A Up here between here and Cherokee, Big Creek I think it was.

- Q Between here and Chatopa? A Yes, sir.
- Q In what district? A In cooweescoowas I guess.
- Q Did you have any talk with her? A Yes, sir.
- Q About when was that talk? A Sometime in the sixties, '55 or '6 or '7, somewhere along there, I don't recall of just the year.
- Q Now think over the date, do you mean '60? A '70 I mean '70, something in '70, I have got it wrong, '60 I said, it was sometime in '70.
- Q You say it was sometime in '70? A Yes, sir.
- Q You know whether it was before or after this railroad ran through here? A Yes, sir, it was after this railroad ran through here.
- Q This M.K. & T.? A Yes, sir.
- Q Well, what conversation did you have with her? A We stopped there where she lived and she called up a couple of boys that she had and she told me their names, she called one of them Grant and the other one Sherman, and ~~then~~ then she sent a crazy negro down in the field for her husband, and she said she wanted to know what they were going to do about them, she said they got back too late; I said I didn't know what they were going to do, and that is about all the conversation I had; I asked them about the family, where they lived; they were all around there except one of them, there was one had never come back, that is my recollection, I don't know which one now.
- Q Who was with you at the time? A Well, my brother, we had been up to Coffeyville with some apples and came back by there and stopped. Mr. Kellette, You say you asked them about the family? A Yes, sir.
- Q Talked a good while with them I suppose? A We stopped there about half an hour or an hour.
- Q Where did she say her father was? A He lived there somewhere.
- Q Where? A Up here about Big Creek.
- Q Where did she say Abraham was? A He was there.
- Q Where? A Up in there, right close there, I was asking how they all were getting along.
- Q How many years ago has that been? A Along in '70 sometime.
- Q '70 when? A Between '75 and '77.
- Q What made you say it was in '60 first? A I just miscalculated it.
- Q Wasn't it in the sixties? A No, sir.
- Q Don't you know it was in '66? A No, sir.
- Q Between '66 and '7 and '8? A It wasn't in '66.
- Q Why wasn't it? A Because this railroad was built through here.
- Q When were you first called upon to remember this? A Well, it was down here in this rock house down here.
- Q How long ago? A I don't remember.
- Q When Mr. Wallace made this roll? A No, sir.
- Q When Mr. Kern and Clifton made the roll? A It was when this negro attorney was down there, I don't know his name.
- Q How long ago? A I don't remember just now.
- Q About how long ago did you first remember that she had been run too late? A It was when we were up there, is all I know about it.
- Q About how long ago, I want to find out when it was? A The reason I think it was about seventy, because I was married in '78 and it was before I was married.
- Q How many years before you were married? A Two or three.
- Q Two or three? A I don't remember just exactly, it was so long ago you can't recollect, I can't recollect the exact dates.
- Q That is that I am thinking about, unless I have something to impress it on my mind, nobody called on you to remember what they said for twenty or thirty years afterwards? A No, I wasn't called on until I was summoned here before this court.
- Q This time? A No, that other time.
- Q What time was that? A I don't remember; you may recall of the date Mr. Hastings.
- Q Who were making the roll at that time? A Hastings and Thompson and there was a negro there, an attorney, I forgot his name.
- Q You can't give any idea when that date was on you, why can't you remember the date you were first called on to testify to this fact?

as well as you can remember when she told you she came here too late?

A I never paid much attention to it.

Q Did you pay much attention to when she said she came here too late? A Yes, I recollect of the trip we made and I got to counting it up.

Q At or thirty years you got to counting it up, did you? A It wasn't thirty years.

Q Well, twenty? A Let's see, it was over thirty years I guess.

Q It was over? A It was in seventy something.

Q Well how many years has that been? A Well I can count, this is 1901, you can count yourself.

Q Why I am not going to do it, I asked you how many years it was?

A Thirty years from seventy, and then it was along in '70, well I don't recollect just exactly the year though, it was before '77, sometime between '70 and '77, I don't remember just exactly the year, I don't propose to swear something I don't know.

Q Well you give it up then, you can't tell how many years it has been? A I don't recollect the exact year.

Q And you can't tell the year you were down here in the rock building and when Mr. Hastings and Mr. Thompson were making the roll? A No, I don't recollect the exact year.

Q Was it 1895? A I don't remember.

Q 1890? A (No response.)

Q Was it 1890? A No, sir, it wasn't then.

Q When was it? A I don't know just when, I don't recollect the year.

Mr. Hastings: That was the first time you had seen these old slaves since the war, when you had this conversation? A Yes, sir, and then during this Court I was sworn when I was up here last Court.

Q Are you summoned here as a witness this time? A Yes, sir.

Q Were you summoned when you testified before when I represented the Nation in part? A Yes, sir.

Q You remember Mr. Thompson was a member of the Court at that time? A Yes, sir.

Q You remember the other two members of that Court? A I don't recollect them.

Taking of testimony continued by stenographer J. O. Rosson.

Brude C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Brude C. Jones

Sworn to and subscribed before me this 18th of October, 1901.

[Signature]

Commissioner.

Continuation of taking of testimony in case of ABRAHAM
WARD, C.F.-D.#607.

Former portion taken by Stenographer
Bruce G. Jones.

APPEARANCES:

Mr. Mellette, of Counsel for Applicant;
Mr. W. W. Hastings, of Counsel for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles,
testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A L. B. Bell.

Q Age? A 62; Vinita.

Q Mr. Bell, when was this railroad, M. K. & T. railroad, built
through this country? A '71.

Q When was that first Cherokee payment made after the war? A '75.

Q Do you know whether colored people and all participated in that
payment or not? A Yes, every Cherokee citizen and whole lot
that wasn't.

Q That was a general payment? A Yes, that was general payment
intended for relief fund for all people living in the Cherokee Nation

MR. MELLETTE: Did any colored people get pay at that time?

A Yes, I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called, testified as follows
in his own behalf:

MR. MELLETTE: What is your name? A Abraham Ward is my name.

Q Are you the Abraham Ward who is an applicant for enrollment as a
Cherokee Freedman? A Yes, sir.

Q Did you know J. L. Ward who has just testified in this case?

A Yes, sir, I know him.

Q Did you ever make a statement as testified to by him that you
came here too late to become a citizen? A No, sir, I did not.

Q Did you make statement, as testified to by him, that you came
back in '69? A No, sir.

Q Did you hear the testimony of John Ward, the last witness?

A No, sir.

Q Did you hear his testimony? A I heard it yes, sir.

Q Did you hear a statement being said of yourself, mother or
sister to him? A Yes, sir.

Q Where is that sister? A She is dead.

Q How long has she been dead? A About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward
after the war? A I saw him when the Cherokees drawed that general
payment, what called bred money.

Q What year was that? A I don't remember, just what year it was.

Q Well, that is strange? A It was in '70 though I think.

Q Where did you see him? A '78 or '9; saw him right here at Vinita

Q '78 or '9? A Yes, sir.

Q Along there; saw him here at Vinita? A Yes, sir.

Q You didn't talk with him? A Yes, we was talking about our
boyhood times.

Q Talked to him where you had been? A No, sir, he knew where I
had been.

Q He was your young master? A Yes, sir, me and him was about one
age.

This Testimony will be made part of the record in cases
D.#608, D.#610, D.#611, D.#615, D.#625, D.#615, D.#616, D.#618,
D.#619, D.#621, D.#622, D.#623, D.#624, D.#625, D.#626, D.#606

J. G. Reussen, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

Subscribed and sworn to before me this 20th day of June, 1907.

File with Cherokee Freedman, D-608, Alongo Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 3, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JOHN B. BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John Brown.

Q J. B. Brown? A Yes, sir.

Q What is your postoffice? A Springer.

Q That in the Territory? A Yes, it is in the Territory.

Q You are a Cherokee Indian by blood? A Yes, sir.

Q What is your age? A I am 52.

Q You married a Choctaw, or Chickasaw? A Married a Chickasaw.

Q How long have you been down there? A I moved down there about two years ago.

Q When did you come back to the Cherokee Nation after the war?

A We landed back in the Cherokee Nation in the fall of '65.

Q Where did you live during the year of '66? A We were down there on Grand River.

Q Where did your father live in '67? A He was on Pryor Creek, I think he lived on Pryor Creek.

Q Do you know a colored man by the name of Peter Ward, and Abraham Ward? A Yes, sir.

Q When did you first see them after the war? A To the best of my recollection, I saw them in '68 in Kansas near Mound City.

Q What were you doing up in Kansas? A There was an old negro that my father owned, lived with him, I met him down here, and he had a pension coming to him and I went with him up there to draw this money and I found these people there in Ottawa, we went to Ottawa, Kansas, to draw this money and there is where I saw these people.

Q Who did you go with? A Jess Brown and Jess Marcus, and there I saw old Uncle Peter Ward and Abe and Berry, there was younger ones but they were smaller, I got acquainted with them three.

Q Were they living there at the time? A Yes, sir, they were living there.

Q Living in town or on a farm? A No, they were living on a farm out a little piece from Mound City, Mound City, as well as I recollect must be about 40 or 50 miles of Ottawa, Kansas.

Q About what time in the year did you see them there? A It was in July or August, I remember they were cutting wheat when I was there.

Q Summer time? A Yes.

Q Well, about how long did you stay around there? A I don't know how long, I don't remember how long, we stayed a while at Mound City and then went on up to Ottawa and stayed there quite a while, we didn't get the money when he first went there, we had to wait on account of some papers wasn't fixed up right, and we had to stay there, I would not say positively how long it was.

Q Was you at Peter Ward's house? A I can't say positively, you see there was a whole bunch of them lived around there, and I went to several of the houses around there and when they had preaching there while I was there and I went to church and met them, they all found that I was an Indian and they came in to see me and talk with me.

Q You were with these colored men, two colored men? A Yes, sir, I

was with Jess, his mother was living there and his brother was there.

Q His mother and brother? A Yes, sir, mother and brother.

Q Did you see Abraham Ward? A Yes, sir, yes, sir.

Q You remember distinctly seeing him? A Yes, I remember him very well.

Q Well now did you meet anybody after you came back home, after you came back to the Cherokee Nation? A What do you mean; when I came back who did I meet?

Q Yes, if anyone? A No, I left them over there, they never come back.

Q Did you meet any of the Couches? A Yes, sir, Sam Couch and Pete Couch had just moved from Texas and I moved on Pryor Creek, they just had moved in, I just had come back from this trip and met them on Pryor Creek.

Q Now how many wards had you seen up there, you saw Peter and Abe and Berry? A I remember Peter, that is Abraham's father, Uncle Peter we called him, and Berry and Squire, not Squire, no, Abraham, them three I remember.

Q There were others but you don't remember? A Yes, there were other boys, I got acquainted with them after they moved back later on, but I don't remember seeing them up there like I do these other men, I knew them after I met them after they came back I knew who they were.

Q Did they say anything about having been back down here after the war before that? A No, sir, never said anything about that, they told me ~~that~~ they were coming back just as quick as they could come, everyone I seen was talking about coming back.

Q Where did you live in '66? A We were down on the Adair place, some called the Adair place and used to be known as the Alex McDaniel place.

Q Where were you in '67? A We were there in '67.

Q Where were you in '68? A Then we went on Verdigris, we had moved over there to Verdigris.

Q And that was in '68 you went up there? A Yes, in '68 I went to Kansas.

Mr. Mellette: You say you saw these wards up there in Kansas at church? A Yes, sir.

Q How long did you stay in Kansas that fall? A I can't tell you how long I was there.

Q You didn't lose your citizenship by going up there to Kansas?

A Didn't lose my citizenship, no, sir.

Q How long did you stay there, you say? A I don't remember, might have been there two, three or four weeks.

Q You didn't go to their house? A Yes, sir, I went to old Uncle Peter Ward's house.

Q Why didn't you say just a while ago that you did go to their house? A I said I went to several homes there, they lived all around in that country at different places, and I had been meeting them one day and another while I stayed there.

Q What were you doing while you were up there? A I went up there with this old Jess Brown to get his money.

Q Where did you have to go to get his money? A Went to Ottawa, Kansas.

Q How far is that from here? A I don't remember how far it is.

Q About how far? A Oh, it is a long ways.

Q How far did they live from Ottawa? A As well as I remember, it must be forty or fifty miles, they were living at Mound City to the best of my recollection.

Q What were you doing at Mound City? A There is where Jess's brother and mother lived, we landed there first.

Q What did you stay there for? A He wanted to see his mother, I stayed with him.

Q Did you have to stay with him? A Of course I had to stay with him, I went with him, whenever he got ready to go on up to Ottawa.

- 3 -

to wait on.

Q You saw three wards up there? A Yes, sir, I remember the three.

Q You don't know how long they had been there? A No, sir.

Mr. Hastings: You hauled Jess Brown up in your wagon? A Yes, sir.

Commissioner: This testimony will be made part of the record in Freedmen cases D-608, D-610, D-611, D-613, D-625, D-615, D-616, D-618, D-619, D-621, D-623, D-625, D-626, D-605.

Bruce E. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above cases, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce E. Jones

Sworn to and subscribed before me this 21st of October, 1901.

A. McKinnis

Commissioner.

File with Alonzo Ward et al., U. S. D. 608

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 15, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel Thompson et al, U. S. D. #606.

Appearances:

James S. Davenport for the Cherokee Nation
Mellotte & Smith for the ~~other~~ applicant.

T. F. Thompson, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A T. F. Thompson.

Q Where do you live? A 3 miles south of Vinita.

Q What is your age? A 54.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.

Q Did you know him before the war? A Yes sir.

Q Do you know where he went during the war? A I think he went north to Kansas.

Q Where did your family go during the war? A To Red River.

Q Choctaw Nation? A Chickasaw Nation.

Q When did you return to this country? A In the fall of '66, in October.

Q Did this applicant go with your family? A He never was with us during the war.

Q When your family returned to the Cherokee Nation where did they locate? A On Grand river, 12 or 15 miles east of here.

Q How far from where they had originally lived? A Same place.

Q Was the applicant there when you returned? A No sir.

Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.

Q With reference to the time the railroad was here when was it? A The Katy was here I think.

Q About what year was it? A As well as I remember it was in '71 or '72.

Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir.

Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.

Q Where was he living at that time? A On Big Creek, he told me.

Q Did he say then that he had been living on Grand river at the old place? A No sir.

Q You had always lived on the old place since your return? A Yes sir.

Q Same place you lived on prior to the breaking out of the war? A Yes sir.

Q Had the applicant been there after the war -- to your house? A Not that I know of.

Q You saw him here in Vinita for the first time after the war? A Yes sir.

Q Did he come to your house at that time? A He came to my father's house and stand a day or two with my father.

(By Smith)

Q What was your father's name? A Johnson Thompson.

Q Is he a Cherokee? A Yes sir.

Q By blood? A Yes sir.

Q A recognized citizen of the Cherokee Nation? A Yes sir.

Q Did he own Daniel Thompson before the war? A Yes sir.

Q Was Daniel Thompson with your father when the war commenced? A Yes sir.

Q What time did you get back here after the war? A October, '66.

Q You came to what place? A Our old place.

Q How far from where Vinita is now? A 12 or 15 miles.

Q How old were you then? A 12 years old.

Q Just a boy? A Yes sir.

Q From the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school one or two sessions at Pea Ridge, Arkansas.

Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.

Q All you know is that the first time you saw him was in '71? A Yes sir.

Q You don't know how long he had then been in the Cherokee Nation?

A No sir.

Q You don't know where he was during the war? A No sir.

(By Davenport)

Q When were you at school? A In '67, in the fall.

Q You was at home then from '66 to the fall of '67? A Yes sir.

Q You never saw the applicant there then? A No sir.

Q Never heard of him being there did you?

BY MR. SMITH: I object to him stating what he might have heard.

(By Smith of witness)

Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.

Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by Officer T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A David Stinger.

Q Where do you live? A On Big Creek, Cherokee Nation.

Q How old are you? A 60.

Q How long have you lived in the neighborhood of Big Creek in the Cherokee Nation? A About 26 years.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Since '73.

Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.

Q What was he doing when you saw him? A Just commenced making a farm there.

Q Did you have a conversation with him then? A Yes sir.

Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here—thought he would come back home as he called it.

Q Did he have a family with him then? A Yes sir.

Q What year was that? A I think in '73.

Q What improvements had he made then? A Nothing, he was just in a wagon there.

Q Did he say when he had gone to Kansas? A No, I don't know anything about that.

Q Was anything else said about his having been in the Cherokee Nation before that? A I don't think there was.

Q How many children did he have there? A Two.

Q What were their names? A Sandy and Mandy.

Q Were they both with him? A Yes sir.

Q Did he afterwards make a place there? A Yes sir.

Q Where has he been living since? A Right there all the time.

Q What year was this you say he came there? A '73.

(By Smith)

Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.

Q How long had you been there in '72? A I came there in '71.

Q Where from? A Peoria, Illinois.

Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.

Q You don't know where he was in '69? A No sir.

Q Or in '68? A No sir.

Q Or in '67? A No sir.

Q Or in '66? A No sir.

Q Or in '65? A No sir.

Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.

Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.

Q You don't know when he first came here after the war? A No sir, only that time.

Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)

Q Was he living there when you came there in '71? A No sir.

Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A William Noble.

Q Where do you live? A On Big creek, Indian Territory.

Q Cherokee Nation? A Yes sir.

Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.

Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Good many years, I can't say exactly how long, I think he moved in there on Big creek right close to me, I think he came from Kansas there in the fall of '72, and he has lived there ever since.

Q Did he settle a place there when he came down? A Yes sir.

Q How far from you? A Two and a half miles.

Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.

Q Did he have his family with him? A Yes sir.

Q Children? A Wife and three children.

Q Did you have any conversation with him? A Yes sir, he told me he just moved in from Kansas.

Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.

(By Smith)

Q When did you first come to the Cherokee Nation after the war? A In '64.

Q Were you in the army? A Yes sir.

Q When were you discharged from the army? A I was discharged, I think it was in '62.

Q In what? A '62.

Q Were you discharged before the war closed? A No sir.

Q But you think it was in '62 that you were discharged? A I believe it was.

Q In '61 maybe? A Somewhere along there.

Q Somewhere in '61 or '62? A Yes sir.

Q You testified Saturday last in the Josh Vann case didn't you? A Yes sir.

Q Didn't you say then that you were discharged in the year '65 from

the army? A I dont think I did, I think I said I didn't know exactly.

Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.

Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '62.

Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.

Q When did the war close, what year? A I think it was in '61, wasn't it?

Q When did it commence? A You are just a little ahead of me when it commenced. I dont recollect it.

Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time the war was over.

Q What did they discharged you for the first time? A Three years service.

Q Then you went back the second time? A Yes sir.

Q How long did you stay then? A Two years .

Q How long did that war last? A Five years, wasn't it?

Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.

Q What year did you get here? A In the spring of '66.

Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.

Q And you are certain you were discharged from the army after the war was over? A Yes sir.

Q And you got here in '66? A Yes sir.

Q Now, how did you do that? I went from Louisville, Kentucky where I was discharged, to Iowa, and from Iowa to Kansas and from Kansas here.

Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '72.

Q You dont know how long he had been here before that? A No sir.

Q You dont know when he came ~~to the Nation~~? A No sir, except when he came to Big Creek.

(By Davenport)

Q You dont know when the war began? A No sir.

Q Nor when it closed? A No sir.

Q Had Dave Stinger come to your place before Daniel Thompson come on Big Creek? A Yes sir.

(By Smith)

Q Where did you go after you were discharged? A Iowa.

Q Where did you go then? A Kansas.

Q Where did you stop in Kansas? A Neosho Falls River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.

Q Did you have any trouble up at Chetopa? A No sir.

Q Were you never arrested in Kansas? A No sir.

Q Do you remember a man named Gage in Chetopa? I dont remember, I am not acquainted with him.

Q Didn't you have any trouble with him and get arrested? A No sir.

Q Didn't he have you arrested? A I dont think so.

Q Don't you know? A I know I wasn't arrested there.

Q Have you ever been arrested at all? A Yes sir.

Q Where? A In the Cherokee Nation.

Q What for? A Cattle stealing.

(By Davenport)

Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.

(By Smith)

Q Are you a citizen of the Cherokee Nation? A Yes sir.

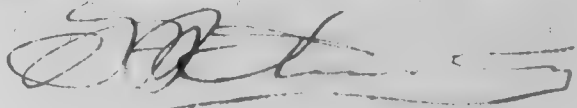
This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-606, and also in G. F. D. cases D-623 and D-693 and their subreferences.

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Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this 17th of October, 1901 .



Commissioner.

File with case of Alonzo Ward, et al., C.F.-D.#608.

Supl.C.F.-D.#607.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CHEROKEE
Freedmen of ABRAHAM WARD, ET AL., the following supplemental testimony is offered on part of applicants:

APPEARANCES:

Mellette & Smith, Attorneys for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

STEPHEN RIDGE, being duly sworn by Commissioner Needles, testified as follows:

MR. SMITH: State your name? A My name is Stephen Ridge.

Q How old are you? A I am 80 years old.

Q Are you a colored man? A Colored man?

Q Yes? A Yes, sir.

Q Where do you live? A I live in Mound City, Kansas.

Q How long have you lived there? A Oh, about 37 years.

Q In what year did you go there? A I went there in '64.

Q In what time in '64, what season? A Well, I got up there September 12th.

Q To what place now do you refer? A Mound City.

Q What is your business, what do you do? A Well, I have done a good many things for a living, but I was employed by the Second Baptist Church there; that is in '65, in the month of May I took charge of the Second Baptist church there.

Q In what year? A In '65 in May.

Q Well, in what way did you take charge of it; what did you do?

A I preached the best I knew how.

Q You are a preacher are you? A Yes, sir.

Q Well, did you know a Peter ward there? A Yes, sir, I know him.

Q When did you first get acquainted with Peter ward? A I was slightly acquainted with him down in Arkansas.

Q When did you first get acquainted with Peter ward? A We was slightly acquainted as I stated down in Arkansas; no, I will take that back if you will please, I got little kinda off, I can't keep memory like I used to.

Q Just tell us when you got acquainted with him? A We was slightly acquainted in the old Territory; wasn't that right; was it.

Q Just stop now and tell us when you first knew Peter Ward?

A Well, I was correct after all.

Q Ever know Peter Ward in Kansas? A Yes, sir.

Q How long had you been up there in '64 before you became acquainted with Peter Ward? A Oh, I became acquainted with him the first month I went there; that was in '64.

Q About how long did you know him there in Kansas? A Oh, I knew him all the while; while he was there until he come away.

Q Well, about how long was that? A Oh, I guess not over a year or after I got up there; that is as long as we lived together. Well, if you will let me state it.

Q Go ahead now? A Well, the way this come up; how I got so well acquainted with him was there as I told you, the church got me, employed me for a preacher and he was then a member of that organization and was a deacon in that church and you recollect we had out monthly meetings to transact our business there once a month and of course we had a great deal of business together; that is the way I became so well acquainted with him. We was both members of the same church.

Q Do you know what the last business was that Peter Ward transacted there in that church, or when it was? A Yes, sir. He was with us the 17th day of June, '66; that is the last time he transacted business with us.

Q The last time he transacted business with you in the church?

A Yes, sir.

Q What did you do then? A We elected another deacon in his place.

Q What business was it you transacted on the 17th day of June, '66?

A Well, the reason I remember so well about that, I remember being the last, in receiving a member into the church we, he took a stand against it; that is what keeps me in remembrance of it so well, and it was the last transaction in the church.

Q Have you any book or church record? A I have got that first little book we had, but I haven't got it in my pocket; I had it in the forenoon and went down to dinner and thought I wouldn't have no use for it and left it in my valise.

Q By what did you fix the dates of these church meetings and matters that you have talked about?

Mr. Davenport: I object to that unless you get the book up here.

A The first time the church meetings was for a while we always had out church meetings on the Saturday before the first Sunday in the month and then we changed it, I requested the church to change it to Saturday before the Second Sunday on account of the other organization I had joined:

Q Well, after that time in June, '66 that you speak of, what became of Peter Ward; do you know whether he remained in that neighborhood, or did he go away from that neighborhood? A I heard he came to the Territory.

Q Did you ever see him there any more? A No, sir, I never saw him there any more; didn't see him any more--oh, I don't know for several years.

MR. DAVENPORT: Who is this you are talking about? A Peter Ward.

Q What Peter Ward? A Why Peter Ward that's dead, I know.

Q Just Peter Ward? A Yes, sir.

Q Did you ever see more than one Peter Ward in your life?

A No, sir.

Q You saw one in Arkansas? A That is the same one.

Q How many children did Peter Ward have? A Oh, I don't know.

Q Did all his children go away when he did or not?

A I don't know whether they all went away at the same time or not; I know they all left.

Q All left eventually? A I would not swear that.

Q Have you been living there at Mound City, Kansas, continuously since that time? A Yes, sir.

Q Don't you know that one of his family lives up there now and has been since the war; one of his boys? A I don't know; which one?

A I am asking you if you know? A Oh, no, I don't know.

Q What boys do you know? A I know some of the older ones.

Q What is one of the older one's name? A There was Perry and Abraham and Squire, I know them all, and he had one named Ben and he had one I won't be positive, but I tell you I know them, and another one was.

Q That is the last time you saw Peter in the church? A Yes, sir.

Q You have been custodian of the church books ever since that time?

A No, no, we had Clerks.

Q Have you been Pastor in charge of that church ever since 1866?

A No, sir.

Q Have you lived in Mound City all the time since that time?

A Yes, sir.

Q Who do you know up there? A I know quite a number of folks.

Q Do you know J. B. Brown, up there? A What J. B. Brown.
Q Just J. B. Brown is all I know. A I know one Brown.
Q Well, do you know a fellow by the name of J. L. Ward that lives up there? A What is he?
Q He is a white man or Indian? A I know Mr. Ward.
Q Well, do you know B. B. Osborn? A Buy Osborn, I know him.
Q He lives there in Mound City.
Q Well, do you know C. W. Kingsberry? A There is a man that lives about there, about three miles above Mound City, I know him by name perfectly well, but I never got so well enough acquainted with him to know him when I see his face but I know there is such a man as that.
Q When did you look up that church record to see when the last time Brother Peter Ward officiated with you? A I just looked it up here about a week ago.
Q Where had that book been all the time? A I had it in my possession.
Q You made the entries in the book? A No, sir, I told you we had a clerk and he was not a member of the church and then we had, or rather thought we ought to have a clerk that was a member of the church and then they elected a man by the name of Sam Clark, he is dead now and after he left he left and went down to Iola, or someplace.
Q Well you don't know where Ward went after he left there? A I don't know no more than what he said; said he was going to the Territory.
Q When was that? A That was in '66.
Q How do you know it was in '66? A Because.
Q Does your book say that? A Yes.
Q Your book says Ward had resigned because he was going to the Territory? A No, the book don't say so, but I noticed this in order to find out about the time when Peter Ward left there, I remember; I say it was the 17th day of June, as I stated. It was the 17th day of June and when I found I remembered when looking over it, I noticed that that was the last time Brother Ward was there with us to transact business and it was on the 17th day of June, 1866; but he never was with us any more after that in our transactions in the church and of course that give me a very good reason to believe that he came right off because he had been talking of it before.
Q You don't know that he moved at once to the Territory? A I don't know; that is, I don't know what day he left on; I know he never was with us in church meeting after that, and I have always believed he come right straight to the Territory because I never saw him any more; after he had been up there in the neighborhood he would have been in the church meetings.
Q You are just imagining that? A I know that because he was a faithful member and never missed.
Q Did your members attend all the time or did some of them backslide? A I could not tell you much about that, because we always has some little back-sliding in the churches and of course we didn't keep track of it all the time.
Q Where was it in Arkansas you saw this fellow? A We met in Mayesville; well, we wasn't well acquainted then as we might have been, but remember when we met here in Kansas that we had met before.
Q Well, where was you living when you met this man at Mayesville, Arkansas? A I was living on Honey creek.
Q In what country? A In the Indian Territory.
Q Are you a Freedman? A I am a Freedman, but I have about give it up because you have took such stand here against us freedmen, and because we lived a little while in Kansas, we could not live here; I have spent about a hundred dollars to get my name on, and did have my name on the Wallace roll and when I come to find it could not find it.

Q Did you get your name on the Kern-Clifton roll? A No, sir, I didn't know when was the proper time, I come too late.

COM'R NEEDLES: Had Peter Ward been talking to you about coming to the Territory? A Yes, sir, he talked it all around there, it was known all over the neighborhood he was coming to the Territory and of course we calculated when he left there that he come to the Territory and I believe that with all my soul.

MR. DAVENPORT: He has been talking to you since you have been down here this time? A We talked a good deal, we always do when we meet; I have been down here several times before since he come, but I didn't meet him after he come down here, I expect it must have been five or six years afterwards. Well, the first time I met him was when I come to get my ~~name~~ ~~in the~~ ~~Wall~~ name on the Wallace roll after he come.

(Application is continued until the witness can send and get the book of which he has been referring.)

Q In giving your testimony a while ago when you referred to your church book; is the name of Peter Ward shown in the book on the date you referred to as fixing the date that he last officiated with you at the church? A No, sir.

Com'r Needles: This testimony will be made part of the record in the case at bar and part of the record in D)608, D610, D-611, D-613, D-425, D-615; D-616, D618, D-619, D-621, D-622, D-623, D-625, D-626, D-605.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 5th, 1901.



Commissioner.

File with Cherokee Freedmen. D-606, Alonzo Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I.T., October 29, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for the applicants;
W. T. Hastings, of counsel for Cherokee Nation.

A. R. WAYNE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A A. R. Wayne.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q What is your age? A I am 58 years old.

Q Were you in Lynn County, Kansas, during, and the years immediately after the war? A Yes, sir.

Q I will ask you if you know a colored man by the name of Peter Ward? A Yes, sir.

Q Where did you learn to know him at first? A Four miles and a half west and one half mile north of Mound City, Lynn County, Kansas.

Q When? A In 1866.

Q You know whose place he was living on at that time? A I forget the name of the man at that time, in '66.

Q Do you know where he moved, if at all, in '66? A He moved to the farm of Amos Durden, and some call it the C. W. Kingsbury place now.

Q Is Kingsbury his grandson? A Of Durben's, yes sir.

Q How long did he continue to live on the Durben farm? A 3 years.

Q Now by what do you fix that? A The first time that I saw him I know where I was working breaking prairie, and I stuck a thorn in my foot right in there, and I stopped and Mrs. Ward said that the gall of a bee was the best thing I could put on it, and by me breaking prairie I know it was in '66, I know where I was living at that time.

Q How do you fix the next date, three years later, which would make it in '69? A I have a record of the expenses that I had paid out in May, toward the last of May, from the first of January till the last of May, that me and him had a transaction whereby he paid him \$2.50.

Q Peter Ward? A Yes, sir, the second day of March.

Q Of what year? A 1869.

Q Where was he living at that time? A He was living on the farm of Amos Durben.

Q Do you know any of Peter Ward's children, sons, members of his family? A I know one girl and I know Abraham Ward, Clint Ward, I presume his name is Clifton but we all called him Clint, and George; I believe that is all that I can bring to mine now at the present time.

Q Have one by the name of Perry? A Yes, sir, I think Perry was the second boy.

Q Was there one named Squire Ward? A Yes, sir, I think there was.

Q You recollect it now? A Yes, sir, Squire Ward.

Q There were these children living between the years of '66, when you first knew the father, and '69? A They were living with their father; the boys of course would work around first one place and another wherever they could find work, but there is where they made their home, with their father.

Q Have you seen them since that time, '69? A No, sir, I haven't.

Q Do you know whether you would know them or not now? A No, sir, I haven't met them so often as them what I gave in this other case.

Q Do you know that one over there (indicating Abraham Ward)?
A Yes, sir, I have seen that gentleman over there, but I can't tell you his name; I know by the looks of him I have seen him.
Q You don't recollect to have seen any of them since '69? A No, sir.
Q How far did you live from them say in '69, from the Durben farm?
A About a mile and three quarters.
Q Well now did you live that far from '66 to '69 to them? A No, sir, in '66 I was living farther off.
Q Well, when did you come up nearer to them? A When I got married in '67, I was married in '67 and I was a little bit closer to them.
Q Well, were you as near in '67 as you were in '69? A Same place.
Q You were as near to them in '67 as you were in '69? A Yes, sir, same place.
Q And you remained on the same place from '69 to '69? A Yes, sir.
Q Now during that time, far from '66 up to '69, did you miss Peter Ward or any of his sons away from up there? A No, sir.
Q Did you have occasion to see them from time to time? A Only upon one occasion to my knowledge that I got to see them except just in passing around; I had one transaction that I was over to their house.
Q Did you see them in the country any place? A Oh yes, I have seen them around.
Q You mean by that, that that is the only time you ever had my personal business transaction with them? A Yes, sir, that is what I mean, personal business transaction.
Mr. Smith: What month in the year 1866 was it you got acquainted with Peter Ward? A Well sir, I can't tell you what month, but then I know it was along in the spring because I was breaking prairie, breaking it with oxen.
Q Did you break any ground except in the spring? A Not the prairie, to my knowledge, I never did.
Q You have been there in that country ever since '63? A I had been there ever since '55.
Q You had been living there some ten or eleven years when you first became acquainted with Peter Ward? A Well, I came there in May '55, and it was '66 when I first recollect getting acquainted with them to know them.
Q Now in what way do you fix the date as in '66 when you first became acquainted with Peter Ward? A I was breaking prairie west of where they lived, and I came up there in regard to my foot; as I said, I had stuck a stub in my foot, and I came up there and Mrs. Ward gave me a piece of bee gall to put on it to draw it.
Q Well, did your foot get well? A Well it isn't off, I suppose it did.
Q Well that has been how long ago? A Well '66; that has been 35 years ago.
Q When did you first have any occasion to remember the matter, or date when you first met Peter Ward, or when was that ever called to your attention first after that time? A For the first time you mean?
Q Yes? A Well it was in March, '69, that I had the transaction with him.
Q That had nothing to do, however, with the time you first met him?
A No, sir, not to my knowledge, no, sir, just seen them from then in passing around.
Q What I mean to say is, the fact that you had the business transaction with him in March or any time in '69 would not aid your recollection as to the time you first met him, would it? A I don't know as I understand your question.
Q I say there was no connection between your business transaction with him in '69 and the date when you first met him, nothing connecting the two things together; one had nothing to do with the other, did it? A No, sir.
Q Well then, now when did you first have occasion to remember that you met Peter Ward in '66? A I just not told the occasion, about

coming and going up there.

Q I know, but you did a great many things in '66 that you haven't had any occasion to think about since, haven't you? A Yes, sir.

Q What first brought this incident to your mind, that is what I am talking about? A What first brought it to my mind?

Q Well, I recalled this thing you are talking about in '68? A Well I was asked, if I knew a man by the name of Peter Ward.

Q When? A Well I think it was pretty near four weeks ago.

Q Who asked you? A Why I think he was by the name of Keys, J. M. Keys I think, if I am not mistaken.

Q Well now from the time this thing happened up to the time that J. M. Keys asked you about it, you had had no occasion to remember this incident, or the date when you hurt your foot, had you? A No, sir.

Q Now for thirty-five or six years you had carried in your mind the date when you had hurt your foot? A Yes, sir, I know the date by that transaction of breaking prairie, know where I was living.

Q How long did you live there? A At that place, only lived there at that place just one year, working for my brother that year.

Q Now that has been a long time ago, hasn't it? A Yes, sir.

Q Do you think you can swear with certainty it was in '66 and no other time that you met Peter Ward the first time? A Yes, sir, not, to my knowledge to know him; I might have met him but not to know him.

Q Do you think you can't possibly be mistaken about the date?

A I know I can't be mistaken in regard to the date of the year.

You know that? A Yes, sir.

Q Well now Mr. Wayne, where is your record? A In my pocket in book.

Q I would like to see that. A (Witness produces book) That record commenced there, January 2, 1869, it goes on down to there, (reading on book) is Peter Ward, \$2.50; it goes on down to here, March 12, \$102.64; I spent during that time \$102.64.

Q When did you commence to keep this book? A Well, I think that it came in my possession in 1868, along in the winter of '68.

Q When did you quit making entries in it? A In regard to my expenses?

A No, entries at all? A Well I think probably it was away along in the seventies somewhere, might maybe have been late as '76, toward the back there in regard to some Sabbath School records I think, and in that some part there is some few pages that was in '69, some transactions, and some probably in the seventies somewhere.

Q Mr. Wayne, at the place in this memorandum where the name of Peter Ward occurs, there is no year there, is there? A No, sir, there isn't; there was no occasion for the year when I was keeping the account; you will find here it is entered, and it goes on down here, and here it is March first, and March 2, and goes on down, 9, 11, 12, 13, etc.; there was no occasion for it in keeping the record.

Q Mr. Wayne, what is the entry immediately above the name Peter Ward? A (Reading from book) That there is Ben Bronson, a colored man, 25¢; no, it is stamps, 15¢.

Q You are sure that that is stamps? A No, soda, 15¢.

Q Then it isn't stamps? A No, sir, I thought it was stamps, but it is soda instead of stamps; here is stamps below here.

Q Now Mr. Wayne, that line upon which the word, Peter Ward, is written has been erased? A No, sir.

Q Isn't there an erasure on that line? A Not to that knowledge, and I am the only person that has ever had it.

Q Can you read that entry immediately above that Peter Ward, and Peter Ward, as distinctly as you can this entry immediately below it?

A Well there is a part of the Peter there that I can see just the same as I can the other, the same that is below here; here is some of it I believe.

Q That is not the question: are the entries below clearer and more distinct than the word, Peter Ward? A No, sir, not that I

- 4 -
notice till they get way down there, they are about the same.

Q Now then you see there is a part of the Peter that you can read better than the other part? A Well, the t there appears to be a little bit plainer.

Q Can you see any e in that Peter? A Yes, sir.

Q Where is it? A Right after the t.

Q If you didn't know what it was could you tell what the remaining letters after the P were? A Yes, sir, that is my handwriting and I would.

Q Now why, Mr. Wayne, is that word Peter word blurred, as it appears upon the record? A I can't tell you any more than here; not a bit.

Q You don't know? A No, sir.

Q Did you write the word potatoes on the second page? A Yes, sir.

Q Did you make that P? A Yes, sir.

Q Is that one like this one? A Yes, sir, that one looks like I didn't make it very plain and I taken it again, same as there (indicating) in writing that down it looks as though I had made two cracks on that, and you will probably find the P somewhere.

Q Now Mr. Wayne, sometimes a P is made with one stroke of the pen?

A Yes, sir.

Q Now that P in potatoes is made that way, isn't it?

A No, I don't make a P but very seldom, sometimes I make a P by running down and then back, and sometimes then I make a P by making a straight mark and going around that way (indicating); I make Ps two or three different ways.

Q Now Mr. Wayne, the word Peter there in this book is blurred?

A Yes, sir.

Q It is indistinct? A No, sir, not to my mind it is not.

Q Not as clear as the entries below it? A It is about the same thing here except that P in here, that I see, appears to be a little plainer than that e-t-o-r.

Q Well, do you state that that is as clear as the entries below?

A No, sir, I saw it is not, it is the same as some that would be over here or some other place.

Q Now you didn't use this book since eighteen and what? A Oh I have probably referred to it for some regards in regard to an orchard that I set out, and my little boy that is dead might have got hold of it once, he might have got hold of that book.

Q Where was this book when you were first interrogated about Abraham Ward? A It was in my desk in my room.

Q Did you remember, when you were interrogated as to the time when you had had any business transactions with Peter Ward, without reference to that book? A No, sir.

Q Then you are testifying from that record? A I am testifying from my record in regard to the transaction.

Q Is the record is wrong you are wrong? A Yes, sir.

Q Can you tell me who made the blur, or erasure, if it is an erasure, upon that line upon which appears the name of Peter Ward? A No, sir.

Mr. Smith: If the Court please, I would like to offer the book.

Mr. Hastings: You can't take the book away from the man.

Q Do you want this book any more? A I have some records in regard to some orchards that I would have to have here.

Q If you are willing, we would like to keep it a while in this case, and the Commission will return it to you afterwards? A I have no objections, but there is a little paper in there I would like to get out afterwards.

Mr. Hastings: When was this entry made: was it made at the time that it purports to have been made? A Yes, sir, I tried to put them down the right in which they were made.

Q Mr. Wayne, now the page before, or the second page before this entry of Peter Ward, I note for this date: (reading) January 2, 1883: is that correct? A Yes, sir.

Q Following that are a great many entries and only the month and the day; is that intended to be that year? A Yes, sir, everything down to May, '89; it tells the date on the opposite page.

Q Opposite page to where you turned it up? A Yes, sir, to where I summed it up here, it is three pages over.

Q Well, between the two pages before this and say three pages afterwards, they contain the transactions of that year of '69? A It does, yes, sir.

Q Mr. Wayne, a good part of this record was kept with pencil, wasn't it? A Yes, sir.

Q Has it ever been erased or mutilated other than by wear? A No, sir, not to my knowledge, unless my little boy might have got hold of it.

Q Well, you never mutilated that name of Peter Ward or erased it? A No, sir, I wouldn't have any occasion to.

Q Is that in the same condition that you found it when Mr. Keys made the inquiries of you with reference to your knowledge about Peter Ward? A It is exactly the same.

Q No change has been made? A None whatever.

Commissioner: The book testified about will be filed with the papers in the case.

Commissioner: This testimony will be made part of the record in the case at bar, and part in D-606, D-610, D-611, D-613, D-425, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-623, D-626, and D-605.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he, correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 13th of November, 1901.

Bruce C. Jones
Wm. H. Jones
Wm. H. Jones
Commissioner.

File with Alonzo Ward, C. F. D. 808

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 28th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #807
SUPPLEMENTAL TESTIMONY

Appearances:

W. W. Hastings for the Cherokee Nation.
Mollette & Smith for the applicants

By Mr. Hastings: I desire to file a certified from J. A. Gady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: "Peter Ward, one female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Gady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

=====

(COPY)

State of Kansas: ss.
County of Linn:

I, J. A. Gady County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: "Peter Ward, one female dog." said entry is on page 76 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(Signed) J. A. Gady
County Clerk of Linn County, Kansas.


=====

By Commissioner Breckinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of counsel for the applicants, be filed in the cases to which this case refers and all subreferences thereto as found upon the records of this Commission.

=====

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this 5th of November, 1901.


Commissioner.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 493, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Alonso Ward, D 603;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Peter Hudson and others, consolidating the applications of

Peter Hudson,.....	Cherokee Freedmen	D	604
William Hudson, et al.,.....	"	D	605
Peter Ward, et al.,.....	"	D	613
Abraham Ward, et al.,.....	"	D	607
Ben Ward, et al.,.....	"	D	616
Squire Ward, et al.,.....	"	D	615
Sadie Ward,.....	"	D	885
David Ward,.....	"	D	619
George Ward,.....	"	D	425
Alonso Ward, et al.,.....	"	D	608
Will Ward, et al.,.....	"	D	610
Berry Ward,.....	"	D	611
Lena Ward, et al.,.....	"	D	1117
Malinda Williams, et al.,.....	"	D	618

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Peter Hudson for himself; by William Hudson for himself, his wife, Eliza, and his minor children, Emmett, Levi, Wilburn, Ida and Ivory Hudson; by Peter Ward for himself, his wife, Louisa, and his grandchild, Eva Ward; by Abraham Ward for himself and his son, Artes Ward; by Ben Ward for himself, his wife, Sarah, and their minor children, Vannie, Martha, Clarence, Neal and Myrtle Ward; by Squire Ward for himself and his minor children, Joseph, Jennie and Eliza Ward; by Sadie Ward for herself; by David Ward for himself; by Nancy Ward for her husband, George Ward, among others, the other parties to her application, being differently classified, are not embraced in this decision; by Alonso Ward for himself and his minor children, Savannah, Ezra and Elvora Ward, as Cherokee Freedmen, and for his wife, Mahala Ward, as a Cherokee Freedman by intermarriage; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Mahala Ward, as such, will not be passed upon, or considered in this decision; by Will Ward for himself and his minor children, Gracie and Frances Ward; by Berry Ward for himself; by Lena Ward for herself and her minor child, Rexie Beeson, and by Malinda Williams for herself and her minor children, Monroe and Deleis Williams. A copy of the testimony taken at Vinita, Indian Territory, on October 15, 1901, in the matter of the application of Daniel Thompson, et al. is made a part of the record herein.

The evidence shows that the applicant, Peter Hudson, together with his wife, Charity Hudson, were the slaves of a Cherokee citizen at the commencement of the rebellion, that they were taken out of the Cherokee Nation during the rebellion, but returned thereto prior to January 19, 1867. The applicants William Hudson and Sarah Ward, wife of Ben Ward, are the adult children of Peter Hudson and Charity Hudson. The said William Hudson and Sarah Ward were minors at the commencement of the rebellion and are considered to have acquired the status of their mother, Charity Hudson, and, therefore, to have been the slaves of a Cherokee citizen at the commencement of the rebellion. It appears that they return to the Cherokee Nation with their parents prior to January 19, 1867.

It further appears that the minor children of said William Hudson, included in his application, were born since 1866 and derive their rights to enrollment through him; that Lena Ward, Roxie Beeson and Vannie, Martha, Clarence, Neal and Myrtle Ward were all born since 1866 and are the descendants of the said Sarah Ward, nee Hudson. The evidence further shows that the said Peter Hudson, William Hudson and Sarah Ward, nee Hudson, have resided in the Cherokee Nation from 1866 up to and including the date of their applications herein. The said descendants of William Hudson and Sarah Ward, nee Hudson, are considered to have resided all their lives in the Cherokee Nation with the parents through whom they claim.

It further appears that the applicants Peter Ward, Louisa Ward, Abraham Ward and Ben Ward were the slaves of Cherokee citizens at the commencement of the rebellion; that they removed from the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The applicants Eliza Hudson, Eva Ward, Artes Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elnora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Makinda Williams, Monroe Williams and Delois Williams, all born since 1866, are the respective descendants of the said Peter Ward, Louisa Ward and Abraham Ward and have no rights as Cherokee Freedmen, except such as they may have acquired through their said ancestors.

The applicant Squire Ward was a minor at the commencement of the rebellion and is considered to have acquired the status of his mother, Louisa Ward, and therefore to have been the slave of a Cherokee citizen at the commencement of the rebellion. It appears that he was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The said Joseph, Jennie, Eliza and Sadie Ward are his descendants, born since 1866, and have no rights as Cherokee Freedmen, except as such descendants.

None of the names of the persons whose applications for enrollment are denied herein, are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that Peter Hudson, William Hudson, Bennett Hudson, Levi Hudson, Wilburn Hudson, Ida Hudson, Ivory Hudson, Sarah Ward, Vannie Ward, Martha Ward, Clarence Ward, Neal Ward, Myrtle Ward, Lena Ward and Roxie Beeson should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495); and that the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abraham Ward, Artes Ward, Ben Ward, Squire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Sadie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elnora Ward, Will Ward, Gracie Ward,

Frances Ward, Berry Ward, Malinda Williams, George Williams and Delois Williams as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of said Act of Congress, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Dixey,
Chairman.

(Signed) T. E. Needles,
Commissioner.

(Signed) C. H. Breckinridge,
Commissioner.

(Signed) W. E. Stanley,
Commissioner.

Dated at Muskogee, I. T.,
this JUL 10 1903

CHEROKEE FREEDMAN. ~~1778~~

20

IN RE

R 289

Application for Enrollment of

INFANT CHILD

Elura Ward

as a citizen of

CHEROKEE.

Nation.

Approved

190

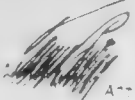


Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 14 1901



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the **CHEROKEE** Nation,
of Elmira Ward, born on the 20 day of July, 1888.
(Here insert name of child.)
Name of Father: Alonso Ward, a citizen of the Cherokee Nation.
Name of Mother: Mahala Ward, a citizen of the Cherokee Nation.
Post-office, Wimer L. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Goose Creek District.

I, Mahala Ward, on oath state that I am 25
years of age and a citizen, by Birth, of the Cherokee Nation;
that I am the lawful wife of Alonso Ward, who is a citizen, by
Birth, of the Cherokee Nation, that a female child was
(male or female.)
born to me on the 20 day of July, 1888, that said child has been
named Elmira Ward, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

W. H. Montgomery
Flayd Blair

ushakey ward

Subscribed and sworn to before me this 11 day of July, 1901.

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Goose Creek District.

I, Martha Gordon, midwife, on oath state that I
attended on Mrs. Mahala Ward, wife of Alonso Ward,
on the 20 day of July, 1888; that there was born to her on
said date a female child; that said child is now living and is said to have been
(male or female.)
named Elmira Ward.

WITNESSES TO MARK:

(Must be Two
Witnesses)

W. H. Montgomery
Flayd Blair

Martha Gordon
mark

Subscribed and sworn to before me this 11 day of July, 1901.

NOTARY PUBLIC.

CHEROKEE FREEDMAN.

20

IN RE

Application for Enrollment of

INFANT CHILD

Eyona Ward

as a citizen of

CHEROKEE,

Nation.

Approved.

190

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 18 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE.

IN RE Application for Enrollment, as a citizen of the Nation,

of Eyana Ward born on the 23rd day of August, 1896
(Here insert name of child.)

Name of Father: Oliver Ward, a citizen of the Cherokee Nation.

Name of Mother: Mahala Ward, a citizen of the Cherokee Nation.

Post-office, Wimer LT

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

District.

I, Mahala Ward, on oath state that I am 25
years of age and a citizen, by Birth, of the Cherokee Nation;
that I am the lawful wife of Oliver Ward, who is a citizen, by
Birth, of the Cherokee Nation, that a male child was
(male or female.)
born to me on the 23rd day of August, 1896, that said child has been
named Eyana Ward, and is now living.

WITNESSES TO SIGN.

(Must be Two
Witnesses)

Mahala Ward
J. H. Montgomery
J. H. Blain

Subscribed and sworn to before me this 11 day of July, 1901.

J. H. Blain
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

District.

I, Martha Anderson, a midwife, on oath state that I
attended on Mrs. Mahala Ward, wife of Oliver Ward
on the 23rd day of August, 1896, that there was born to her a
child; that said child is now living and is said to have been
named Eyana Ward.
(male or female.)

WITNESSES TO SIGN.

Martha Anderson
J. H. Montgomery
J. H. Blain

Subscribed and sworn to before me this 11 day of July, 1901.

J. H. Blain
NOTARY PUBLIC.

Refer in reply to
the following:
Land.
55270-1904

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

April 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated March 4, 1903, transmitting the record relative to the applications of Peter Hudson, et al, for enrollment as Cherokee Freedmen.

Peter Hudson applied for enrollment of himself; William Hudson for the enrollment of himself, his wife Elina and their children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson; Peter Ward for himself, his wife Louisa, and his grand-child, Eva Ward; Abraham Ward for himself and his son, Artes Ward; Ben Ward for himself, his wife, Sarah, and their children, Vannie, Martha, Clarence, Neal, and Myrtle Ward; Squire Ward for himself and his minor children, Joseph, Jennie, and Elina Ward; Sadie Ward for herself; David Ward for himself; Nancy Ward for her husband; George Ward and others who are differently classed and not included in the Commission's decision; Alonzo Ward for himself and his children, Savannah, Mary, and Elvira Ward and for his wife, Mahala, as an unmarried freedman; Will Will Ward for himself and children, Gracie and Frances Ward; Berry Ward for himself

(2)

Lena Ward for herself and child, Roxie Beeson; Malinda Williams for herself and her children, Monroe and Delois Williams.

The right of intermarried citizens of the Cherokee Nation to enrollment not having been determined, the Commission did not pass upon the application for the enrollment of Mahala Ward. In a decision dated July 10, 1903, the Commission found that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward and Roxie Beeson are entitled to enrollment as freedmen, and the other parties to this consolidated case are not entitled to enrollment as such. The evidence in the case shows that Peter Hudson was at the commencement of the late Civil War a slave of Susie Hudson, a citizen of the Cherokee Nation. He went to Kansas during the war, but the evidence satisfactorily establishes that he returned to the Cherokee Nation and took up his abode therein during the year 1866. He is, therefore, entitled to enrollment.

William Hudson is the son of Peter Hudson and Charity Hudson, deceased. His status is the same as that of his father, and it necessarily follows therefore that he is entitled to enrollment, as are also his minor children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson. His wife, Eliza Hudson, nee Ward, claims that she is entitled to enrollment as a freedman. She is the daughter of Abraham and Caroline Ward, the latter of whom is deceased.

Abraham Ward is the son of Peter Ward. It becomes necessary, therefore, to ascertain whether Abraham Ward by himself or through

(3)

his father was the slave of a citizen of the Cherokee Nation, and if so, whether he left the Nation and returned within the time limit fixed by the treaty of 1866. Abraham Ward claims to have been the slave of Jim and Eliza Ward, citizens of the Cherokee Nation. He says that in 1862, after he had been liberated, he went into the Union Army, General Blunt's Division, as a body servant. In June 1901, he testified that he was 55 years of age, therefore, he was born in 1846, and was 16 years of age in 1862. The record in the case does not show that he returned within the time limit fixed by the treaty, therefore, Abraham Ward, and his son Artes, are not entitled to enrollment, and neither is his daughter, Eliza, who is now the wife of William Hudson, unless they are entitled to enrollment by reason of the status of Peter Ward, father of Abraham Ward.

The record shows that Peter Ward was the slave of George Ward, a Cherokee citizen. He went to Mound City, Linn County, Kansas, during the war, and claims to have returned during the year 1866. The preponderance of the evidence, however, shows that he did not return prior to April 11, 1866, and he is not entitled to enrollment as a Cherokee Freedman, neither is his grand-child Eva, unless it be by reason of descent from her grandmother, Louisa Ward, or the persons ^{mentioned} in the Abraham Ward group.

From the record it appears that Louisa Ward, wife of Peter Ward, moved from the state of Georgia, with her husband, to the Cherokee Nation. They appear to have been the slaves of George Ward, a Cherokee. She went to Kansas at the time Peter Ward did and returned at the same time. Her status is, therefore, the same as that of Peter

(4)

Ward, and she is not entitled to enrollment, neither is her grandchild, Eva Ward by reason of descent from her or any of the persons mentioned in the Abraham Ward group by reason of such descent.

Ben Ward is the son of Peter and Louisa Ward. He testified that on June, 1901, he was 43 years of age. He was born therefore in 1858. His father claims to have been the slave of George Ward, and he claims to have been the slave of Jim Ward. The record shows that he went to Kansas with his father and returned at the same time. He did not return within the time limit fixed by the treaty and is not entitled to enrollment. His wife, Sarah Ward, is the daughter of Peter Hudson and her right to enrollment and the right of her minor children, Vannie, Martha, Clarence, Neal, and Myrtle Ward, depends upon their descent from him.

The record shows that Peter Hudson and the members of his family returned to the Cherokee Nation prior to the expiration of the time limit fixed by the treaty of 1866, and the applicants last mentioned are, therefore, entitled to enrollment.

Squire Ward is the son of Peter Ward. He testified in June, 1901, that he was "Forty some odd years" of age. Squire Ward, Joseph, Jennie, and Eliza Ward, are not, as hereinbefore shown with reference to Peter Ward, entitled to enrollment as freedmen by reason of descent from Peter Ward, as the members of Peter Ward's family did not return to the Cherokee Nation prior to February 11, 1867.

Mary Ward, nee Mays, deceased, the record shows, was the daughter of David Mays, and the mother of minor applicants Joseph, Jennie, and Eliza Ward. It is plain that she was a slave in the Cherokee Nation and "belonged to the Whitesires." From the record the

(5)

minor applicants last mentioned do not appear to be entitled to enrollment by reason of their mother being a Cherokee Freedman, or by reason of descent from their grandfather, David Mays.

Sadie Ward is the daughter of Squire Ward, son of Peter Ward. Squire Ward and Peter Ward not being entitled to enrollment, it follows that Sadie Ward is not entitled to enrollment. David Ward is the son of Peter Ward. He was 39 years of age in June, 1901, and his status is the same as that of his father. He is not, under the record, entitled to enrollment as a Cherokee Freedman.

George Ward, for whom Nancy Ward applied, testified in May, 1901, that he was 36 years of age. He is the son of Peter Ward and if he has any right to enrollment as a freedman it is by virtue of the status of his father. His father not being entitled to enrollment, for the reason that he did not return to the Cherokee Nation before February 11, 1867, applicant George Ward is not entitled to enrollment.

Alonso Ward is a son of Abraham Ward, who is a son of Peter Ward. In June, 1901, he testified that he was 36 years of age. He was born after the close of the war, and the record shows that his father, Peter Ward, and the members of his family, did not return to the Cherokee Nation within the required time. Alonso Ward and his children, Savannah, Ezra, and Elnera, are not, therefore, entitled to enrollment as Cherokee Freedmen, and as hereinbefore stated his wife, Mahala Ward, applied for enrollment as an unmarried citizen, and the Commission has not yet passed upon her rights, if any she has.

Will Ward is a son of Abraham Ward and grandson of Peter Ward. For the reasons hereinbefore stated, Will Ward and his children, Gracie, and Frances, are not entitled to enrollment by reason of descent from Abraham Ward and Peter Ward. Bell Ward, mother of the two minor applicants last named, is "a state woman," and said applicants are not entitled to enrollment by reason of descent from her.

Berry Ward is a son of Abraham Ward and grandson of Peter Ward. In June, 1901, he testified that he was 23 years of age. Consequently, he was born since the close of the war. His father and grandfather not being entitled to enrollment as Cherokee Freedmen, it follows that he is not entitled to enrollment.

Lena Ward is a daughter of Ben Ward and his wife, Sarah Ward, nee Hudson. Sarah Ward is the daughter of Peter Hudson who was a slave of a Cherokee citizen at the commencement of the war. Peter Hudson left the Cherokee Nation during the war, but returned within the time limit fixed by the treaty of 1866, and is, himself, entitled to enrollment.

Lena Ward, the record shows, was born about 1861, within the limits of the Cherokee Nation. Her mother, Sarah Hudson, being entitled to enrollment and she having lived within the limits of the Cherokee Nation all of her life, is entitled to enrollment as a Cherokee Freedman, as is also her minor child, Roxie Deeson. From the record it appears that William Deeson is the father of Roxie Deeson.

Malinda Williams is the daughter of Abraham Ward and the

(7)

granddaughter of Peter Ward. As she was only 20 years of age in 1901, and as her father, Abraham Ward and her grandfather, Peter Ward, are not entitled to enrollment, she is not entitled to enrollment, and her minor children, Monroe and Delois Williams, are not entitled to enrollment by reason of descent from her.

William Williams, the record shows, is the father of these children. He is not a Cherokee Freedman and the children are not, therefore, entitled to enrollment on account of the status of their father.

In view of the foregoing it is respectfully recommended that the decision of the Commission of July 10, 1903, wherein it is held that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward, and Roxie Beeson, are entitled to enrollment as Cherokee Freedmen, and that the other parties to the case, whose applications they passed upon, are not entitled to enrollment as Cherokee Freedmen, be approved.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

GAW-D

D C 14391-1904.

COPY

VCF

I.T.D. 3254-1904. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

FHE

April 29, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On August 24, 1903, you transmitted the record in the consolidated Cherokee Freedmen case of Peter Hudson (D-604), et al., including your decision of July 10, 1903, granting the application for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the application for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonso, Savannah, Ezra, Minora, Will, Gracie, Frances and Berry Ward, and Malinda, Monroe and Delois Williams.

Reporting April 15, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

It appears that the original application included the name of Mahala Ward, for enrollment as a Cherokee Freedman by intermarriage. In your decision you did not pass upon her rights as such.

Your decision as to the applicants included therein, is approved. The record is returned herewith, and it is desired that you

-2-

render a decision as to the rights of Mahala Ward, who applies for enrollment as a Cherokee freedman by intermarriage.

Respectfully,

(Signed) Thos Ryan,

2 inclosures.

Acting Secretary.

Cherokee Freedmen
R 289

Muskogee, Indian Territory, May 28, 1906

Alonzo Ward,

Wimer, Indian Territory,

Dear Sir:

You are hereby advised that the motion filed September 7, 1905, by your attorneys for review in your Cherokee freedman enrollment case was dismissed by the Department May 2, 1906.

Respectfully,

LMB

Commissioner

Cherokee Freedmen
R 400 et al.

Muskogee, Indian Territory, May 28, 1906

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by attorneys for applicants in the Cherokee freedmen enrollment cases of Joseph Brown and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were denied by the Department in said letter.

Respectfully,

LMC

Commissioner

Cherokee Freedmen
R 400 et al.

Muskogee, Indian Territory, May 25, 1906

Bliss & Bulger,

Attorneys for Joseph Brown et al.
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by you, in the Cherokee freedmen enrollment cases of Joseph Brown, and others named in the Department's letter of May 2, 1904, a copy of which is enclosed herewith, were dismissed by the Department in said letter.

Respectfully,

LMB

Commissioner

Encl. B-95

(COPY)

D.C. 33318

Vinita. I. T. August 4, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,
Muskogee I. T.

Dear Sir:

In re:

Motion for rehearing in the matter of the application for the enrollment of Peter Hudson, et al, as Cherokee Freedmen, consolidating the applications of

Peter Hudson, C. F. D. 604,
William Hudson et al C. F. D. 605,
Peter Ward et al C. F. D. 613,
Abraham Ward, et al, C. F. D. 607,
Ben Ward, et al, C. F. D. 616,
Squire Ward, et al, C. F. D. 615,
Sallie Ward C. F. D. 885,
David Ward C. F. D. 619,
George Ward, C. F. D. 425,
Alonso Ward C. F. D. 608,
Will Ward et al, C. F. D. 610,
Berry Ward C. F. D. 611,
Lena Ward et al, C. F. D. 1117,
Malinda Williams, et al C. F. D. 618,

wherein we filed a motion prior to June 26th 1906, for a rehearing in behalf of some members of the Ward family in this case.

We desire to state that on account of the limited time allowed us in which to investigate this case we did not have the opportunity to go into it as thoroughly as we desired and since the motion was filed we have made a thorough examination of this case both in Kansas and in the Cherokee Nation and after a thorough investigation of the case we find that from the standpoint of the applicants, if a rehearing was granted us in this case we would be unable to add any strength to the applicantside of the case.

Abraham Ward informs us that he took his wife to Kansas with him and she did not return until he did and that Amanda Williams certainly must be mistaken. We had Amanda Williams on the stand recently in the Court here and she stated she was born before the war but declared that she was just 24 years of age. Abraham Ward also advises us that he did make a trip down to the Nation in the fall of 1866 together with his father and brothers but did not remain here and that they thought that was a compliance with the treaty and that they did not come again until in the Spring of 1867. The records in Kansas and book accounts at the stores there show them as trading up there for some time after February 11 1867 and the best citizens around Mound City who have not testified in the case advise us that they remember that the Wards were there some time after the 11th day of February 1867, and the people we first interviewed say after thinking the matter over carefully that Peter Wards sons came back to Kansas with him after they visited the Cherokee Nation in the Fall of 1866. The marriage records show a number of them married up in Kansas in 1868 and in 1867.

In view of the situation as we find it and of what Abraham Ward himself now tells us, we do not believe any strength can be added to the applicants case if a rehearing was granted and therefore the motion filed by us in these cases may be dismissed so far as we are concerned or if not in your jurisdiction to dismiss it then we would consent that you recommend that it be denied by the Department.

If motions have been filed by any other Attorneys of course we would have nothing to do with them.

We have just completed a very thorough investigation of this case and have interviewed every person of any prominence around Mound City Kansas who could know anything about the case and after this thorough investigation we deem it our duty to lay this matter before you in the manner that we have so that you might take such action as you deem proper in the case.

Respectfully,

Starr & Patten

Muskogee, Indian Territory, August 16, 1906.

The Honorable, |

The Secretary of the Interior.

Sir:

On April 29, 1904 (I.T.D. 3254-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated July 10, 1903, in the Cherokee freedman consolidated case of Peter Hudson, et al., D 604, et al, wherein the applications for enrollment as Cherokee freedmen of, Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abraham Ward, Artes Ward, Ben Ward, Swuire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Sadie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elnora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, are rejected. On June 25, 1906, there was filed with this office by Starr and Patten of Vinita, Indian Territory, a motion for rehearing of said case, insofar as it rejected the above named applicants, to which motion a reply of the Cherokee Nation was filed on July 26, 1906.

In their letter to this office of August 4, 1906 Starr & Patten state that after further investigation of the case they find that they would be unable to add any

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Secretary-2

strength to the applicants' side of the case if a rehearing was granted, and, for reasons stated in their letter, they consent that their motion for a rehearing of said case shall be dismissed. Said motion for rehearing, the reply thereto by the Attorney for the Cherokee Nation, and a copy of the letter of Starr & Patten of August 4, 1906, are enclosed herewith, and in view of the statements contained in said letter, it is respectfully recommended that the motion be dismissed.

There was also filed with this office on June 25, 1906, by Thomas & Foreman, attorneys, Muskogee, Indian Territory a motion for rehearing of the applications of "Will Ward and his four minor children and of Alonzo Ward and his three minor children, for enrollment as Cherokee freedmen citizens of the Cherokee Nation."

The record shows that the application of Will ward for the enrollment of himself and minor children, Gracie and Frances Ward, as Cherokee freedmen, is included in the above mentioned case, and the records of this office fail to show that an application has been made for the enrollment of any children of his other than those two. The application of Alonzo Ward for the enrollment of himself and minor children, Savannah, Sara and Elnera Ward as Cherokee freedmen, is included in the above named case.

Secretary-3.

The reply of the attorney for the Cherokee Nation to this motion was filed with this office July 17, 1906. There is no claim in this motion as to the discovery of new evidence, or as to the nature of the evidence sought to be introduced at a rehearing, and why it could not be secured, with due diligence, when the case was heard before the Commission, nor is it shown that the motion is not made for the purpose of delay. Said motion and the Nation's reply are also enclosed, and it is respectfully recommended that the same be denied.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Cherokee Freedmen
R 281 et al.

Muskogee, Indian Territory, August 18, 1906

Starr and Patten,
Attorneys for Peter Hudson, et al.
Vinita, Indian Territory.

Gentlemen:

Receipt is acknowledged of your letter of August
4, 1906, referring to a motion for rehearing in the
Cherokee freedman consolidated case of Peter Hudson et al.
The contents of said letter have been duly noted.

Respectfully,

L K B

Commissioner

Land
72347-1906

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 28, 1907.

The venerable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter (I.T.D. 3254-1904), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated August 16, 1906, transmitting the motions for rehearing together with the replies of the Cherokee Nation relative to the application of Peter Hudson, et al., for enrollment as Cherokee freedmen.

On June 25, 1906, Starr and Patten, attorneys for the applicants, filed a motion for rehearing in the consolidated case of Peter Hudson, et al., in which the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the applications for the enrollment of Peter, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alenzo, Savannah, Ezra, Elnera, Will, Gracie, Frances, and Barry Ward, Eliza Hudson, Malinda, Monroe, and Delois Williams as Cherokee freedmen, was approved by the Department on April 29, 1904 (I.T.D. 3254).

1906,
On July 26, a reply to this motion was filed by
W. W. Hastings, attorney for the Cherokee Nation.

On August 4, 1906, Starr and Patten informed the Commissioner by letter that they desired their motion for rehearing dismissed as they had no further testimony to offer on behalf of the applicants which would strengthen their case. A copy of this letter is enclosed.

The Office concurs in the recommendation of the Commissioner that the motion above referred to, be dismissed.

On June 25, 1906, Thomas and Foreman, attorneys, filed a motion for rehearing in the matter of the application of "Will Ward and his four minor children and of Alenzo Ward and his three minor children, for enrollment as Cherokee freedmen."

The application of Will Ward for the enrollment of himself and his minor children, Gracie and Francis Ward, as Cherokee freedmen is included in the case of Peter Hudson, et al., above referred to. The Commissioner reports that he is unable to find any record of an application for the enrollment of any other children of Will Ward than those above mentioned. The application of Alenzo Ward for the enrollment of himself and his minor children, Savannah, Ezra and Elnora Ward as Cherokee freedmen, is also included in the case of Peter Hudson, et al.

The reply of the Cherokee Nation was filed on July 17, 1906.

As the motion for rehearing does not show that new evidence has been discovered, or that the motion is made for any

other purpose than that of delay, the Office concurs in the recommendation of the Commissioner that the motion be denied.

Very respectfully,

C. E. Larrabee,

Acting Commissioner.

WED-C

D.C. 7780-1907

Y.P.

I.T.D. 1848-1907.
LRS

DEPARTMENT OF THE INTERIOR, THE
WASHINGTON.

February 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing in the Cherokee freedman case of Peter Hudson, et al., received with your letter of August 16, 1906, and Indian Office letter of January 28, 1907 (Land 72347-06), are denied, in accordance with the recommendations made by you and the Indian Office. A copy of the Indian Office letter is inclosed.

The papers in the matter have been returned to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 6 for Ind. Of.

Cherokee
F R 289.

COPY

Muskogee, Indian Territory, March 7, 1907.

Alonzo Ward,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in your Cherokee freedmen enrollment case was denied by the Secretary of the Interior February 4, 1907.

Respectfully,

SIGNED: [Signature]

Commissioner.

Cherokee F
R 281 et al.

COPY

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing filed in the Cherokee freedmen enrollment case of Peter Hudson, et al., was denied by the Secretary of the Interior February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-84.
HJC

SIGNED *Tams Bixby.*
Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND,
12132-1907
21302- " (COPY)

March 2, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith motion for review and re-hearing of Departmental decision of February 4, 1907, in denying motion for re-hearing in the Cherokee freedmen case of Peter Hudson, et al., filed in this Office by Kappler & Merrillat, attorneys for Will Ward and his children, who are parties applicant in the consolidated freedmen case of Peter Hudson, et al.

The motion alleges that an injustice has been done the parties in this case, for the reason that their interests have been consolidated with other interests, which are not supported by sufficient testimony, and that these applicants have lost a just right to enrollment by reason of their case having been consolidated with the case of others, and particularly with reference to Abraham Ward.

The motion is supported by affidavits of Cherokee Indians by blood, and others. The Office is of the opinion that the motion should not be granted at this time, and it is therefore recommended that it be denied.

The record in the case is enclosed herewith.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

FVE-4D

(COPY)

D.C.13299-1907. DEPARTMENT OF THE INTERIOR, Y.P.

I.T.D.7834-1907. WASHINGTON. LLB

L.R.S. March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing of the Cherokee freedman case of Peter Hudson et al., filed in the Indian Office by attorneys for applicants, is hereby denied, as recommended by that office in letter of March 2, 1907 (Land 21308), copy inclosed.

The papers in the matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock.

1 inc. and 8 to Ind. Of.

Secretary.

J.M.F. 3/4/07.

Cherokee V
R 242 et al.

COPY

Muskogee, Indian Territory, March 7, 1907.

Starr & Patten,

Attorneys for Peter Hudson, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion for a rehearing filed in the Cherokee freedmen enrollment case of Peter Hudson, et al., was denied by the Secretary of the Interior February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Tams Birby*.

Commissioner.

Encl. 13-00
LVS

REFER IN REPLY TO THE FOLLOWING:

Cherokee F.
R 289.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 1, 1907.

Alonzo Ward,
Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys, Kappler & Merillat, for a rehearing of the Cherokee freedman enrollment case of yourself and children, was denied by the Secretary of the Interior, March 4, 1907.

Respectfully,

Chas. Rodgers
Acting Commissioner.

LMC

Cherokee
R 282.

Muskogee, Indian Territory, April 1, 1907.

Kappler & Merrillat,
Attorneys for Peter Ward, et al.,
Washington, D. C.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-102
LMC

Geo. D. Rodgers.
Acting Commissioner.

Cherokee v.
R 282.

Muskogee, Indian Territory, April 1, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a re-hearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rodgers
Acting Commissioner.

Encl. C-103
LMC

(Copy)

Muskogee, Oklahoma, June 25, 09.

Commissioner to the Five Civilized Tribes,
Muskogee, Oklahoma.

Dear Sir:-

You are hereby notified that J. Milton Turner and Louis T. Brown are authorized to represent me in all matters pertaining to my enrollment as a Freedman citizen of the Cherokee Nation, and the selection of whatever lands may be due me for my children. No other person is authorized to represent me.

Very respectfully,

William Ward

Alonso (his x mark) Ward.

Witnesses to his mark:

Box 875, Muskogee.

Bertha Robertson

J. Orlando Mitchell.

Com. to Five Tribes.
No. 15523-1909.
Rec'd June 26, 1909.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Alonzo ward,

~~Wimer, Indian Territory.~~

Oct 1890

Cher. Fr. R-290

See

Cher. Fr. R-283, 281, 289, 291-2 - #1335

Cher. Fr. R-290

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8, 1901.

In the matter of the application of Will Ward for the enrollment of himself and two children as Cherokee Freedman.

Appearances:
Mallette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Will Ward, being duly sworn, and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Will Ward.
Q How old are you? A 32.
Q What is your post office address? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My two children.
Q What are the names of your two children? A Gracie Ward.
Q How old is Gracie? A 2 years old.
Q The name of the next one? A Frances.
Q How old is Frances? A She is a little over a month old.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Belle Ward.
Q Is she a citizen? A No, sir.
Q She a state woman? A Yes, sir.
Q Have you any certificate of marriage? A No, sir.
Q Did you get a marriage license? A No, sir, I didn't, I was married by a licensed preacher.
Q Got no license? A No, sir.
Q Have any any certificate from the licensed preacher? A No, sir.
Q Who married you? A J. R. Gootman.
Q He living? A No, sir, he is dead.
Q Got any proof of your marriage? A Yes, sir, George Meigs.

George Meigs, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A George Meigs.
Q How old are you? A About 64.
Q What is your post office address? A Wan.
Q Do you know William Ward, the applicant? A Yes, sir.
Q Do you know his wife? A Yes, sir, Belle.
Q What was her name before he married her? A I can't tell you.
Q Do you know whether they are married now? A Yes, sir.
Q How do you know? A I heard them say so.
Q You never saw them married? A No, sir, I just heard it.

Will Ward, recalled, testified:

- Q Why didn't you get a certificate of marriage? A I ought to.
Q What year did you say you were married in? A 1894.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1898 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kohn-Clifton roll examined, and the applicants identified thereon as follows:
Will Ward on page 125, No. 3119, Cooweescoowee district.
The Wallace roll examined and the applicant, Will Ward, identified thereon, page 152, No. 3164, Cooweescoowee district, as Wm. Ward.

Will Ward et al. -2-

Q Have you got any proof of birth as to those children? A Yes, sir.

Abram Ward, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abram Ward.

Q What relation are you to William Ward, the applicant? A I am his father.

Q Do you know William Ward's wife? A Yes, sir.

Q What is her name? A Belle.

Q Do you know whether or not they were married or not? A Yes, sir.

Q How do you know that? A A preacher married them close to my house.

Q Did you see them married? A Yes, sir.

Q Have they been living together as man and wife since? A Yes, sir.

Q Have they got any children by that marriage? A They got two.

Q Do you know their names? A No, sir, I don't know their names.

Q They have been recognized as man and wife, have they? A Yes, sir.

Mr. Hastings: Was she ever married before? A Yes, sir.

Q Did she have some children before? A No, sir, not to my knowledge.

Q Was she and her former husband separated? A Yes, sir, she got a divorce, they lived in Fort Scott.

Q Where did he marry her, this boy? A He married her on Big Creek.

Q Did she live in Fort Scott? A Yes, sir, she came from Fort Scott.

Q Where were they divorced? A Up in Kansas.

Will Ward, recalled, testified:

Commissioner: Are those children living at this time? A Yes, sir.

Q You have always lived in the Cherokee Nation? A Yes, sir.

Q What is your father's name? A Abram Ward.

Mr. Hastings: Where were you born? A Born in Coover's Cove.

Q What year, do you know? A Born August 2, 1869.

Q How much older are you than your brother here who has just enrolled? A He is older than I am.

Q About how much? A About 3 years.

Commissioner: William Ward applies for the enrollment of himself and his two children, Grace and Frances.

Mr. Hastings: I want to call your attention, his wife had been married before, and they claim that she is divorced from her husband in Kansas. I think that divorce ought to be required.

Commissioner: He cannot be identified upon the authenticated roll of 1880 or the census roll of 1890. He is only identified upon the Kora-Clifton and Wallace rolls. He swears that he is the child of Abram Ward, who has been listed for enrollment this day on card B-207. The testimony upon the application of Abram Ward will be made part of the records in the case at bar, and a copy of the same will be filed with the application not being made. He swears that he was married in the year 1894, and proves his marriage to one Belle.

Q What was her name before she married him? A Belle Miller.

— one Belle Miller, a law citizen, by whom he has two children, Grace and Frances. It will be necessary for him to make satisfactory proof of the date of said marriage. The court is satisfied by the testimony that said date is correct.

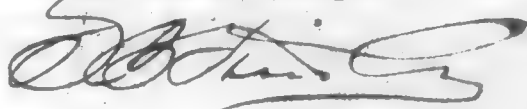
Will Ward et al - 3

is known as a state woman, and that she was formerly married in the State of Kansas, and that she was divorced from her husband. It will be necessary for him to make satisfactory proof of the divorce of his wife from her former husband. William Ward will now be listed for enrollment as a Cherokee Freedman on a doubtful card, as will his children, Gracie and Frances, whose enrollment will be complete upon the compliance with the stipulations mentioned in the judgment. He will be notified by mail of the decision of the Commission, in regard to his case.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 12th of June, 1901.



Commissioner.

44
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COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

are given on a doubtful basis, awaiting further consideration by the Commission. He will be duly notified by mail at his home office address of the decision of the Commission, when received at.

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3

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a complete transcript of his stenographic notes thereof.

Signed, Bruce G. Jones,

and subscribed before me this the 8th of June, 1901.

Signed, T. B. Needles,
Commissioner.

* * * * *

SENIOR

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce G. Jones

Sworn to and subscribed before me this the 8th of August, 1901.



Commissioner.

Willard C. F. 1061a

Helipette & Smith, for applicants
W. W. Hastings for the Cherokee Nation -

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8th, 1901.

In the matter of the application of Abraham Ward for the enrollment of himself and one child as Cherokee freedmen, he being sworn by Commissioner T. B. Hedges, testified as follows:

- Q What is your name? A Abraham Ward.
Q How old are you? A 55.
Q What is your postoffice address? A Tynar.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A One boy Artot Ward.
Q How old is he? A 15 years old.
Q Are you a recognized Cherokee freedman? A In part I am.
Q Is your name on the 1880 roll? A No sir.
Q Is it on any of the rolls? A The Kern Clifton and on the Wallace roll.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1898 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kern Clifton roll examined and the names of the applicants found thereon as follows:

Page 125, No. 3117, Abraham Ward, Cooweescoowee District.

Page 125, No. 3124, Artot Ward, Cooweescoowee District.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 152, No. 3168, Abraham Ward, Cooweescoowee District.

- Q Where were you born? A On Indian prairie.
Q In the Cherokee Nation? A Yes sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Jim and Eliza Ward.
Q Were they Cherokee citizens? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A No, sir, after I was liberated I went into the Government service.
Q Where did you go? A In '62 I went into the Union Army.
Q What regiment? A Blount's Division.
Q Where did you enlist? A I didn't enlist, I was working for the officers, body servant.
Q Where did you go? A Went to Camp Hill, Arkansas, worked on the officers and after that I drove a Government team.
Q When did you return to the Cherokee Nation? A In the spring of '66.
Q Have you lived here continuously ever since? A Yes sir.
Q Are you married? A Yes sir but my wife is dead.
Q She was the mother of Artot? A Caroline.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A The Adairs.
Q Is her name on the 1880 roll? A No sir.
Q Was her name Caroline Adair before you married her? A Yes sir.
Q When did you marry her? A In '64.
Q Where? A Up in Kansas.
Q Did you return with her? A Yes sir, I came on land and that was in the fall and brought her.
Q How much of a family did you have then?
Q How many were born here.

Q Did you live with Caroline until her death? A Yes sir.

Q Who were your owners? A Jim and Louisa Ward.

Q And they were Cherokee citizens were they? A Yes sir.

By Mr. Mellette:

Q Have you a place on the Public Domain of the Cherokee Nation?

A Yes sir.

Q How long have you owned it? A Since '66.

By Mr. W. W. Hastings: The above question as to owning a place is objected to by the representatives for the Cherokee Nation because it does not tend to prove the issue.

By Mr. Mellette:

Q You have never lived out of the Cherokee Nation since your return in '66? A No sir.

By Mr. Hastings:

Q Your father was Peter Ward? A Yes sir.

Q Are you his son? A Yes sir.

Q Are you his oldest son? A Yes sir.

Q You went to Mound City Kansas didn't you? A Yes sir after I quit driving Government team.

Q That is in Minn County? A Yes sir.

Q Do you know Gusky Brown? A Yes sir.

Q Did you see him in Kansas? A Yes sir.

Q What year did you see him there? A I think it was in '67.

Q You knew Joe Ward? A Yes sir we was raised together.

Q He was your young master? A Yes sir.

Q You saw him in Kansas too didn't you? A Yes sir in '65 when I was driving a Government team he come to our house.

Q Was that after or before the war closed? A Some year that the war closed, I saw him in Mound City and he went up to my father's house, I was living with my father.

Q You were not married then? A No sir, married directly after.

Q What year did you marry? A In the fall of '68, after he was up there.

Q How old is your oldest child? A He is 34 I think it is according to my judgment.

Q What time in the year was that oldest child born? A In September.

Q Was he 32 last September or this coming September? A This coming September.

Q That is your best judgment? A Yes, sir.

Q Did you come back with your father, Peter Ward? A No sir not the first time I come.

Q Didn't you testify before that you come back with your father?

A No sir, I went to Fort Gibson the first time and the next time I come down with him.

Q How long after that did you come down again with your father?

A The same year, I come to Fort Gibson in the spring and come back to Kansas and back here again in the fall, with my father.

Q You had married then? A Yes sir.

Q You come down the last time in November? A Yes sir.

Q Who came with you that first time? A Jim Beckley or Rogers.

Q Come through on horse back? A Yes sir.

Q How long did you stay here that? A Staid a considerable time, the first time there.

Q What? A Berry Wags and St. Wags.

Q Well how long did you stay there? A About a month or so.

Q How long after that did you come with your father? A In November.

Q You located permanently that last time? A Yes sir, but I was on Big Creek when I went back from Fort Gibson to Kansas the first time.

Q How far did you locate from here that? A About 10 miles.

Q What direction from the mouth of Snow Creek? A Northeast.
Q How far from the Kansas line? A About 8 miles south.
Q Who was living there in that country then when you went through from Fort Gibson to Kansas? A Sam Webber, George Meigs, Peter Meigs, old man Sam Webber.
Q Had they houses there then? A Yes sir.
Q Had they made a crop of corn that year? A Not much, there was a drought there, that was when I went up the first time.
Q What time was it when you went up? A In August.
Q Did Sam and his daddy have a crop of corn in? A Not much, sort of a patch.
Q That was in '67? A No sir.
Q Your young master Joe Ward testified that he saw you there in '67? A I was traveling up there through that country and saw him the year of the war closing, because he went to my house with me.
Q Did you ever see Will and John Ward or any of your young masters since the war? A Yes sir.
Q Where? A On Big Creek.
Q When? A I had been there about two years.
Q Did you locate right on the place where you now live? A Yes sir.
Q And have lived there ever since? A Yes sir.
Q Is your father living? A Yes sir.
Q He lived there with you? A Yes sir.
Q What Cherokees are living along there? A Albert Morris.
Q Was he living there when you came? A No sir.
Q How far was Jim Martin living from there when you came there? A No sir, he was not living there and the Delawares were not living there either then.
Q You anticipated that question didn't you? A I know they was not living there then.
Q What made you answer that question before I had asked it? A I heard some of the people saying that they was up there then and I am telling you right. I thought it was coming and I was going to tell you about it.
Q Where did you get anything to eat that fall? Get it from these Webbers and Sanders? A We brought some along with us.
Q Do you know Jess Brown and Tecumseh? A Yes sir.
Q They were up in Kansas looking after some pension matters weren't they? A I don't know.
Q Was Sam Webber living in a house up there? A Yes sir.
Q Who did you stay all night with up there? A With Peter Meigs.
Q That was in August? A Yes sir.
Q 1866? A Yes sir, latter part of August.
Q Did old Peter Meigs have in a crop there then? A Yes sir a little one.

By the Commission:

Q Why is your name not on the 1880 roll? A I don't know, the census takers didn't come there.

Q Did you ever apply to have your name enrolled? A No sir; the reason I didn't was because several men went down there and tried it and come back and said that it was not necessary to go down there as the was not enrolling us people.

L. B. DANIELS, called and sworn as a witness before Sen'r T. B. Needles, testified as follows for the applicant:

By Sen'r Needles:

Q What is your name? A L. B. Daniels.

Q What is your age? A 44.

Q What is your postoffice address? A Claremore.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
Q Do you know the applicant? A Yes sir.
Q How long have you known him? A I got acquainted with him in the fall of '66.
Q Do you know if he was a slave? A No sir I dont.
Q Where did you see him in the fall of '66? A At Fort Gibson.
Q Have you known him ever since that time? A I saw him after I moved up here to Cooweescoowee.
Q How did you happen to see him in Fort Gibson in '66? A He come to Amanda and Ruthe Adairs and was going to take them away and I asked him what he was going to do with them, and he said he was going to take them to his people.
Q You had never seen him before that? A No sir, he was a stranger to me then.

By W. W. Hastings:

Q He was a stranger to you in '66? A Yes sir.
Q You had never seen him before that? A No sir.
Q You didn't witness for him before the Kern Clifton Court did you?
A No sir.
Q Do you know how long he staid in Fort Gibson that time? A No sir I dont.
Q What time did you see him there? A In the fall.
Q What time in the Fall? A First part of September or the last part of August, somewhere along there.

By the Commission:

Q How did you know it was in '66? A Because I was living right there and notices all the girls that come in there.
Q You was a young man then? A Yes sir.
Q You was a government officer also wasn't you? A Yes sir.

SAM WEBBER, called and sworn as a witness by Com'r Needles, testified as follows:

Q What is your name? A Sam Webber.
Q How old are you? A 58.
Q What is your postoffice address? A Nowata.
Q Are you a recognized Cherokee Freedman? A Yes sir.
Q Do you know the applicant? A Yes sir.
Q How long have you known him? A Got acquainted with him in Kansas during the war.
Q During the war? A Yes sir, time of the war.
Q Do you know when he returned to the Cherokee Nation? A In the fall of '66 was when I first remember seeing him in the Nation.
Q Where did you see him? A On Big Creek.
Q He came up there to live? A Yes sir.
Q Did he have his family there with him? A Yes sir he had his family with him.
Q Did you know if he was a slave in the Cherokee Nation before the war? A Only what he told me.
Q Have you known him ever since? A Yes sir.
Q Has he lived in the Cherokee Nation continuously ever since?
A Yes sir.

By W. W. Hastings:

Q He settled there right in the fall of '66? A Yes sir, frost was falling.
Q How long before had you and your family been there? A Not long, I moved down there a short time before that.
Q About how long before that? A I cant just tell, not a great while.
Q A month? A Must have been a month, I don't remember exactly.
Q Are you prepared to swear positively that all these people come

down there 35 years ago, in '66? A Yes sir all those I am acquainted with that come.

Q How far did this man live from you then? A 4 miles.

Q He has lived there ever since? A Yes sir.

Q You know he was living there in '67? A Yes sir.

Q You know he was living there in '68? A Yes sir.

Q You are willing to swear that he has continued to live there continuously ever since '66? A Yes sir.

Q Did you know his father? A Yes sir.

Q What was his name? A Peter Ward.

Q He come with his father did he? A Yes sir they came together.

Q And settled in the same neighborhood? A Yes sir.

Q What place in Kansas did you come from? A Linn County, same place they come from.

Q Mound City? A Yes sir.

Q Did you know them there? A Yes sir.

Q Did you go back up there directly after you come down here and settled? A No sir.

Q Did you go back there in '87 or '8? A No sir.

Q Was this man married when he come down there? A Yes sir.

Q Was his wife with him? A Yes sir.

Q How many children did he have then? A I can't tell you how many he had, but he must have had as many as two or three. I can't tell.

Q Did he have any? A If he did, I don't know it.

Q You know he was married though? A Yes sir.

Q Did he live with his father when they first came there? A They both camped there close together.

Q Did they make separate homes? A Yes sir.

Q Had you made a crop there when he come? A No sir.

Q None of you had crops in then did you? A No sir, couldn't, hadn't been there long enough.

Q About how far did they locate from the Kansas line? A I don't hardly know.

APPLICANT recalled and examined by W. V. Hastings:

Q You saw Will and John Ward directly after Will got into trouble did you? A Yes sir I saw Will, he come to my house.

Q You had a talk with him? A Yes sir.

Q You told him where you had been? A No sir, not exactly as to where I had been.

Q Talked about old slavery times? A Yes sir.

Q Told him when you had come back? A No sir that question was not asked.

Continuation of the above application reported by B. G. Jones.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas von. Weise.

Subscribed and sworn to before me this the 19th of June, 1901, at Nowata, I.T.,

Signed, T. B. Needles,
Commissioner.

(Continued from testimony taken by Stenographer Chas. von Weise, June 8, 1901.)

~~Operator Union, being duly sworn and examined by Commissioner Needles, testified as follows:~~

Q What is your name? A George Hodge.
Q What is your age? A I don't know exactly, about sixty some odd.
Q What is your postoffice? A Viner.
Q Are you a recognized Cherokee Freedman? A Yes sir.
Q Your name on the 1880 roll? A No, sir.
Q You made application to be enrolled? A Done been enrolled, all excepting two witnesses.
Q Do you know Abram Ward, the applicant here? A Yes, sir.
Q How long have you known him? A Ever since he moved on Big Creek.
Q Do you know whether he was a slave before the war? A Yes, sir, he was a slave.
Q Who did he belong to? A Belonged to a man they called George Ward.
Q Do you know whether he went out of the Cherokee Nation during the war or not? A Yes, sir.
Q Where did he go? A Went up to Fort Scott.
Q Did you see him? A No, sir, I just met him up there.
Q Do you know when Abram Ward, the applicant, returned to the Cherokee Nation? A Why I don't know exactly.
Q When was the first time you saw him after the war? A Why it was in the fall of '66.
Q Where did you see him then? A On Big Creek.
Q Was he living there? A Well, he has been there ever since.
Q Was he living there then? A When I saw him, why he just came.
Q Did he have a family with him when he came? A Yes, sir.
Q How many children did he have? A Well, I can't hardly tell you.
Q Have his wife? A Yes, sir.
Q Was he camping there, or had he built a house? A Well, he came in and camped, and built a house.
Q Have you known him since that time? A Yes, sir.
Q Has he always lived in the Cherokee Nation since '66, to your knowledge? A Yes, sir.
Q You were taken out during the war, were you? A Yes, sir.
Q Did you return with Abram Ward? A I returned just a little before he did.
Q You saw him here in '66 in the fall? A Yes, sir.
Q Mr. Hastings: How long had you been back when you saw him? A I don't know exactly.
Q A year or two? A I hadn't been back a year, no, sir.
Q Well, had you put in a crop that year you came back? A No, sir, I hadn't then.
Q Did you have any corn in when he came? A No, sir.
Q Any potatoes in? A I had a batch wanted to clear out.
Q But you had no corn on it? A No, sir.
Q You didn't plant any that year? A No, sir, I didn't plant any till it got time to plant it.
Q But had you planted any when this man came down here? A No, sir.
Q George, you don't know anything about when you saw him? A No, sir, I don't.
Q You don't know one year from another? A No, sir, I don't know.
Q Where did you live before the war? A Well, I lived in the Cherokee Nation before the war.
Q What place in the Cherokee Nation? A Well, as far as I can tell you to tell you the truth, I think I was at a place down there called Dutch Creek on a big hill, part of it.
Q Who did you belong to? A Belonged to a man they called George

Daniels and Lila Daniels.

Q How far was that from Beattie's Prairie? A It wasn't a great ways, I don't know.

Q What direction was Beattie's Prairie from where you lived? A To my judgment, it must have been kinder north, nearab it north.

Q You were up there before the war, were you, Beattie's Prairie?

A No, sir, I don't know that I have ever been to the place.

Q When did you first see Abe? A The first time I saw Abe to recollect him was at Fort Scott.

Q During the war? A Yes, sir.

Q Then you never saw him before the war? A No, sir.

Q You don't know of your own personal knowledge who he belonged to?

A Of course I don't, but I know what he says, who he belonged to.

Q You swore a while ago he belonged to George Ward? A That is what I told you his owner was.

Q You don't know that? A No, sir.

Q You are the son of Peter Meigs? A Yes, sir.

Q Peter Meigs went down before the court to have himself and family enrolled? A Yes, sir.

Q Did you go along with him? A No, sir.

Q He is dead? A Yes, sir.

Q He didn't get enrolled? A No, sir.

Q He has been refused by the Cherokee Nation? A Yes, sir.

Q You know this man, the applicant, has been refused all the time?

A Yes, sir.

Q To the best of your judgment, how many children did he have when you first saw him there, after the war? A I can't hardly tell you; I know all his children; he had one to my judgment.

Q But you don't know how many more? A No, sir.

Q What was this child's name? A Named Len.

Q He stayed right near you? A Yes, sir.

Q He came down with his father, didn't he, Peter Ward? A Yes, sir.

Q They all came down together and stayed up there? A Yes, sir.

Q I want to know if you are positive about the year that they came in? A Yes, sir.

Q They have lived there continuously ever since that year they came? A Yes, sir, ever since.

Q They never went back to Kansas and left up there? A I believe the old man went back once or twice for grub.

Q Not up there to live? A No, they never went up there to live.

Q Are you willing to swear positively about the year they came?

A Yes, sir.

Q That was in 1866, was it? A Yes, sir, '66 we came.

Q Was it 1866? A I can't say whether it was eighteen hundred or not.

Q You are not positive about that? A I can't tell you anything about the dates, and I didn't suppose I would have to know anything about '66 like I do, but my daddy was rushing to get down there to get a place for he said for his children.

Commissioner: Your daddy knew he had to be there in '66 did he?

A Yes, sir.

Commissioner: Abram Ward applies for the enrollment of himself and his son Artes. He is not identified upon the authenticated roll of 1860 or the census roll of 1860 from an examination of the same, but he is identified upon the Kern-Clifton and the Wallace rolls. His name does not appear identified upon the Kern-Clifton roll. He avers that he was married to one Caroline Adair, who is now deceased, and makes satisfactory proof as to said marriage. Now Abram Ward and his child Artes will be listed for enrollment as Cherokees.

EX

Freedmen on a doubtful case, awaiting further consideration by the Commission. He will be duly notified by mail at his last office address of the decision of the Commission, when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones,

Sworn to and subscribed before me this 12th of June, 1901.

Signed, T. B. Needles,
Commissioner.

~~Sworn to~~

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this 8th of August, 1901.



Commissioner.

File with Cherokee Freedmen D-610, Will Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Melletts & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

C. W. KINGSBURY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? C. W. Kingsbury.

Q What is your age, Mr. Kingsbury? A I am 47 years this fall.

Q What is your postoffice address? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City? A Ever since the 12th day of August, 1861.

Q Were you living there in 1865; you have lived there ever since, you say? A Yes, sir, lived there continuously ever since, made that my home.

Q What was your father's name? A My grandfather's name was Durbin.

Q Did you know a colored man in Mound City, Kansas, by the name of Peter Ward? A There was one lived there, yes, sir, by that name.

Q Did you know any of his children? A Yes, sir.

Q Name some of them? A There was Abraham, Berry, Mark, Miner, Squire, Eliza, Ben, Dave, Clint, George; that is all I can remember of them.

Q When did you first become acquainted with this family of Wards? A In the fall of '65.

Q Where were they then? A They lived on a place west of ours.

Q How far was that from Mound City, Kansas? A That was three miles; it is three miles to my place and their place joined right west of ours.

Q Joined your place on the west? A Yes, sir, their place cornered with ours on the northwest.

Q How long did they continue to live from '65 in that immediate vicinity about Mound City? A From '65, in the fall of '65 I think, and then in the next spring they moved, taken a lease on the old gentleman's place, my grandfather's.

Q What was his name? A Amos Durbin.

Q That was in the spring of '66? A In the spring of '66 they moved onto our place.

Q When you say our place you mean your grandfather's? A Yes, sir, I mean the Durbin farm now, it is where I live now.

Q Now how long did they continue to live on that farm? A They took a lease on our place for four years, to clear up some timber lands, and they lived there three years and in the fall of '69 the old gentleman left, that is, he said he was going down to this country, that was in the fall of '69, and the remaining year of the lease, he wanted the old gentleman, that is Mr. Durbin, to let one of his boys live there the year of the lease out, and Mr. Durbin told him that he was welcome to stay on the place till his time was out, but he didn't want him to sub-rent to anybody, and Peter Ward said all right.

Q They gave up the last year? A Yes, sir, they gave up the last year.

Q And they lived there for three years from '66, as I understand it? A From '66 to the fall of '69.

Q Was there a barn built on the Durbin farm in the meantime? A There was a stone barn built there in '66.

Q How do you know it was built there in '68? have you anything else besides your own memory? A Yes, sir, the boss mechanic, A. J. Ranney, on finishing the work he placed a rock up over the door with his initials and the year it was erected in.

Q Do you know whether these people were there after the building of this year or not, living there? A Yes, sir.

Mr. Mellette: I think that is a very leading remark.

Q Well now how do you know it? A Mr. Ward was farming our place besides this land, he stored some wheat on our place and he stored some wheat and in the fall of '69 he left some wheat in our barn and the next spring he came and got it.

Q You know where he was the next spring, where he was living? A He said he had moved down to this country, that is what he said and we supposed he had.

Q Have you seen him since? A I have not; one of his boys was back there since, Abe, but what year I don't remember.

Q What is your occupation? A I am farming and stock raising.

Q You have mentioned a number of Peter Ward's family; did they all leave when Ward left, or about that time? A About that time; I can't say for sure whether the older boys left a short time before or a short time after, but I remember Uncle Peter going away at this time that I spoke of.

Q You remember Abraham Ward living there? A Yes, sir, he lived there every time when he was there, the boys were all at home on the place there.

Q Is your grandfather, Durbin I believe, is he alive? A Yes, sir, he is living, he is quite an old man, he is 88 years old.

Mr. Mellette: I didn't get your name? A C. W. Kingsbury.

Q What is your postoffice? A Mound City, Kansas.

Q How old are you? A I am 47 this fall.

Q How old were you in '66? A In '66 I was 12 years old, I was born in '54.

Q Did you, as a 12 year old boy, pay much attention to dates?

A What do you mean, in what way do you mean?

Q Well I mean exactly what I said? A Well this time that I spoke of, of knowing when Uncle Peter took this lease on our place; this place that he moved onto our place from belonged, when he took the lease on that, to a man named Corbin, and he built a house.

Q Now are you going to answer my question? A Yes, sir, what is it?

Mr. Hastings: If you want to tell him how you get at this date, go on and tell him.

Mr. Mellette: I asked you if, as a 12 year old boy, you paid very much attention to dates? A I remember that distinctly.

Q When were you first asked to appear as a witness in this case?

A I think there was a gentleman at my house twice, the last time I don't remember when, but I think it was along the last days of last month.

Q How long was it after Peter Ward and his family left Kansas, that that man came to you and asked you about these facts? A It was from '69 until 1901.

Q How long is that? A From '69 would be 32 years, if I am not mistaken.

Q Do you remember back then 32 years to the time when you were a 12 year old boy and remember the years that these colored people leased the land? A I do.

Q And when they moved off? A Yes, sir.

Q Where were you living at that time? A I must have lived on the place, I was living the same place I live now, three miles west of Mound City, in Lynn County, Kansas.

Q Is that the only date you can remember about things that took place in those days? A No, sir.

Q You have lived in one spot all the time? A I have lived continuously, that has been my home on that farm since '61.

Q What impresses the fact on your mind as to when these people lived on that land? A As I said, Mr. Ward was living on a farm that

belonged to Corbin and he had put up a house there, a log house, he wanted to move that house over onto the old gentleman, my grandfather, and my grandfather objected and told him he had better go down in our timber and cut logs and built a house.

Q You know of that? A Yes, sir.

Q You remember that conversation 32 years ago? A Yes, sir.

Q You are giving the exact conversation that you heard 32 years ago?

A I remember the contract and the conversation.

Q Were you a business man at that time? A Well, I wasn't, I don't suppose, considered so legally.

Q Did you conduct business at the age of 12? A In the way of leasing land I didn't, and Mr. Alexander came out from Indiana in the fall of '65 and bought the land then, this land that this gentleman, Mr. Ward, lived on, and then in '66 P. D. Alexander moved on the farm and lived there until the time of his death.

Q Now is it not a fact that Peter Ward and his family left your grandfather's place in '66 because they understood they could get a home here by coming in 1866, that they departed at that time? A I don't think it is.

Q Well, what do you mean by saying you don't think it is? A Well I mean that he lived three years of this lease out there on the farm, that is, living three years on the farm.

Q Was there any particular reason for your remembering that for 32 years, the time that these people when on your grandfather's farm?

A The thing that calls the memory to the time was the fact that Alexander bought the place.

Q And you remember the year he bought the place? A Yes, sir.

Q Do you remember this by talking to your grandfather or somebody else or have you retained it in your own memory? A I have retained it in my mind, by talking to Alexander during his life time.

Q You have retained it by talking to Alexander? A Yes, sir.

Q You are testifying by what Alexander told you? A I know he came there in '66.

Q I want to know if you are testifying about these dates by what Alexander told you? A I am not.

Q What make you say you remember it by talking to Alexander in his life time? A I remember him moving there in '66 same as I remember I moved to Kansas in '61.

Q Then if Peter Ward and Abraham Ward and the rest of the Wards swear they left Kansas in '66 they are mistaken, are they? A I don't know what they testified to..

Q Who else lived on your grandfather's place after the wards moved off? A At the time they lived on the place there, at one time, not all the time, there was a man by the name of Anderson Turk.

Q When did he move on the place? A He moved on the place sometime in '65, he had been on the place I think a year.

Q When did he move off? A He moved off the place, let's see, about '75.

Q Well, are you swearing he moved off in '75? A He moved up north and bought a place up north, he lived on the place 12 years and moved there in '65.

Q What year did he move off? A About the year 1875.

Q You swear that, do you? A Yes, sir.

Q Who lived on the place besides that man? A Why George Brown lived there.

Q When did he move on the place? A He didn't rent, he just simply rented a room from Anderson Turk and lived there.

Q When did he rent the room? A Why it was sometime, it was in '67 or '8, I am not sure which.

Q Well, which is it, '67 or '8; just as much reason for you to remember that as there was about Peter Ward?

Mr. Hastings: Don't argue that question.

Q What year was it that that man lived on the place? A '67 or '8, I am not sure which.

Q Why can't you remember, if you can remember when Peter Ward moved

- 4 -
on the place and when he moved off? A Brown lived there just a short time and by permission of Anderson Turk.

Q When did he live there? A I think one winter.

Q You don't know when he went on and when he went off? A In the fall season he went in and just wintered there one winter.

Q Who lived on this place in 1876? A There was no one in '76, nobody then but our own folks.

Q Who cultivated it? A The old gentleman.

Q Anybody else ever live on that place? A How do you mean, since '66? A Yes, sir, since '66? A Yes, I think Uncle Ben Ward lived on the place.

Q When did Ben Ward live on the place? A He liv' d on the place I think it was, let's see, about '67.

Q Now was it about '67, or was it '67? A I am not sure whether it was '67.

Q Why can't you remember when Ben Ward lived on the place? A I am pretty sure it was '67 when he lived on the place.

Q Do you swear positively it was '67 when he lived on the place?

A I am pretty sure of it, I am not positive.

Q Might have been '66? A No, it wasn't '66, because my recollection is that he moved on the place after Uncle Peter did, took another lease.

Q It was '67 then? A Yes, sir.

Q Might have been '68? A Yes, it was either '67 or '68, was either of the two years, it was a year after Uncle Peter moved.

Q You want to be understood as swearing positively that Uncle Peter Ward moved on the place in '66? A Yes, sir, spring of '66.

Q And you were a 12 year old boy at the time? A Yes, sir.

Q Don't you think you have a remarkable memory? A I never considered my memory as anything extra.

Commissioner: Mr. Kingsbury, Mr. Hastings asked you your father's name and you gave your grandfather's name; why did you not give your father's name when he asked you? A My father was in California and my grandfather raised me, I have been living with him ever since I was 7 years old, ever since; my father is dead now.

Mr. Hastings: I had talked to you about your grandfather's place?

A Yes, sir, that is the place that I live on now, and this family lived on is my grandfather's now, he is still living, he is quite an old man.

BYRON OSBORN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Byron Osborn.

Q Mr. Osborn, how old are you? A 49 years old.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City, Kansas? A Well sir, my father settled there in '54, March 20.

Q Have you lived there since that time? A Well, that has been my home, I have been away a year or so at a time, was back in Illinois a couple of years and I was out in Colorado about the mountains about 12 or 14 months.

Q Well, where were you the three or four years after the war? A I was on our place, home.

Q How far was your place from Mound City, Kansas? A Three miles.

Q What direction? A Southwest.

Q How far was that from the Durbin farm? A Well, it is about two miles and a half I should judge.

Q Do you know Mr. Kingsbury, who has just left the stand?

A Yes, sir.

Q He a grandson of Durbin? A Yes, sir.

Q Did you know a colored man by the name of Peter Ward? A Yes, sir, I used to know Mr. Ward.

Q Did you know any of the members of his family? A Yes, sir.

Q Give me the names of some of them? A I know of Abe and I know Barry and I know Squire Ward, that is about all that I know, he had

other children but I wasn't acquainted with them, I think he had some girls I wasn't acquainted with.

Q When did you know them? A Well, sir, it was along I think the latter part of summer, they lived in there.

Q About how long did you continue to know them? A Well, the best of my recollection is that I knew them I think probably eight or nine or ten years.

Q I mean did you know them after the war? A Yes, sir.

Q How long after the war did you know them? A Well, I should judge it was, to the best of my recollection, I think it was probably five or six years after the war, four or five maybe, sometime after the war, but I can't state how long.

Q Do you know where they were living? A Yes, sir.

Q What place? A They were living on Mr. Durbin's farm.

Q Do you remember where they went when they left there? A Well I don't know positive, only I have understood they came to the Indian Territory.

Mr. Mellette: How old are you? A 49 years old.

Q How old were you when the war closed? A Well I guess I was about 12 or 14 years old.

Q Now who did you first talk to about knowing anything about these people? A Mr. Keys.

Q Mr. Keys came up into Kansas, didn't he? A Yes, sir.

Q Found you? A Yes, sir, he asked me did I know the Wards and I told him I did.

Q Well was that the first time that anybody had ever talked to you about when the Wards left that country? A Yes, sir.

Q That has been about 32 years ago, hasn't it? A Well it has been a long while, I don't know just how long.

Q You were a boy about fourteen years old? A Yes.

Q Do you think you can remember back to your boyhood days and swear positively when Peter Ward left that country? A I don't swear positively.

Q How far do you swear positively? A Well I know that he was there sometime after the war.

Q You know he was there sometime after the war? A Yes.

Q Can you remember the events and the succession of facts as they happened thirty years ago when you were a boy? A Well some things I can.

Q Well, do you think this is one of the things? A Well I remember that Mr. Ward lived there, he had a boy by the name of Abe who used to work for my father sometime after the war, he worked on our place, but I can't say positively what year it was.

Q You don't know when he worked on your father's place? A I don't know what year it was, it was sometime after the war, quite a while.

Q And you don't know when he moved to Mr. Durbin's place? A No, sir.

Q Can't you remember the year he worked on your father's place? A No, sir, not positive.

Q When did they stop fighting up there in Kansas? A Along about, I think the last fight they had was when Price went through, I think the latter part of '66 or '65, along there.

Q '66, was it? A Oh, '65.

Q You say they had a fight up there the latter part of '65, that Price went through there? A No, I don't say '65.

Q The latter part of '65 or '66? A The latter part of '66 or '65.

Q The latter part of '66 or '65, you say that? A I saw either the latter part of '65 or '66, sometime along in there that Price went through there.

Q Don't you know that Price made his raid through there in '65?

A No, I don't hardly believe he did.

Q And don't you know that General Lee surrendered to General Grant in April, 1865, and then there wasn't any fighting any place after April, '65? A Well it might be, but the war wasn't closed certainly.

till about '65.

Q Yes but you say Price made his raid through there in '65 or '66?

A I meant '64 or '5.

Q What made you change? A Well, I just made a mistake.

Q Who talked to you after you came? A Nobody.

Q Well Mr. Hastings here consulted you, didn't he? A He asked me some questions.

Q Was Mr. Kingsbury present? A Yes, sir.

Q Who else was present? A There was lots of gentlemen there.

Q All you witnesses who came down in that case were present and talked to together? A Well they asked me some questions.

Q Now when you were being consulted you and Mr. Kingsbury and the other witnesses in this case were all sitting in the room and heard what went on here? A I think maybe I did hear a part of Mr. Kingsbury's testimony, I wasn't in there all the time, I don't know anything about when Mr. Ward left that country, I can't swear positive, but I am satisfied that he was there several years after the war closed.

Q But then if you think that Price made his raid through there in '65 or '66 you may be mistaken when the war closed? A I meant '64 or '65.

Q Do you say that Price did make his raid through there in '64 or '5? A I wouldn't say positive.

Q You wouldn't say positively about that? A No, it seems to me it was in that time.

Q You were a boy? A Yes, I was a boy.

Mr. Hastings: You were summoned here as a witness on the part of the Cherokee Nation, weren't you? A Yes, sir.

Q I consulted you with a number of other witnesses down there?

A Yes, sir.

Mr. Mallette: How were you summoned here on the part of the Cherokee Nation? A By subpoena.

Q Who served the subpoena on you? A Mr. Campbell left it at my farm.

Q Who is Mr. Campbell? A His name is Nave Campbell.

Q Where does he live? A He lives in Mound City, Kansas.

JOSEPH L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Joseph L. Ward.

Q What is your age, Mr. Ward? A 56.

Q What is your postoffice? A Mayville, Arkansas.

Q You live in the Cherokee Nation side there? A Yes, sir.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q Mr. Ward, what was your father's name? A James Ward.

Q Did your father ever own a colored man by the name of Peter Ward?

A No, sir, my grandfather owned him.

Q You know Peter Ward then? A Yes, sir.

Q Before the war? A Yes, sir, he married a negro woman my mother owned.

Q He had some children? A Yes, sir.

Q You remember any of their names? A Yes, sir.

Q Well, give us some of them? A Abraham was the oldest, Barry, Margaret, Miner, Squire, Eliza, Dave, and Ollie, is all they had when they left there that I know of, that I remember.

Q Did they live there when the war came up? A Yes, sir, in '63 as well as I can remember.

Q Did you ever afterwards see them? A Yes, sir.

Q Where did you next see them? A In Mound City, Kansas.

Q When was that? A In the fall of '65, October.

Q Now when did you next see anyone of this family? A The next time one of them was here in Vinita just after that payment, the first payment of the Cherokee. I don't remember the exact date.

Q You don't remember the exact date? A No, sir.

Q It wasn't this last colored payment? A No, it was the first payment that was had after the war.

Q You don't remember the date of that payment? A No, I don't remember the date.

Q Was this railroad through here at that time? A I think so.

Q Well, which one of them did you see at that time? A Abraham.

Q Did you have any conversation with him? A Why yes, he told me that he didn't get any money, that he came too late.

Q He say where he was living at that time? A Living out here on Big Creek, up here in Coowesscoowee.

Q You remember when he said he came? A No, I don't, positive, it seems to me he told me he came here in '69, that is my best recollection.

Q Did you see any other members of the family at the time? A No, sir, not that I remember.

Q Have you talked with any of them since that about it? A No, sir.

Q You live quite a distance from them? A Yes, sir, I live about fifty miles southeast of here, and they live northwest.

Q You don't remember the date of that payment? A No, I don't remember the date of it, somewhere in '70 but I don't know exactly what date it was.

Mr. Mellette: Well, did any of the colored people get the payment at that time? A I don't know, I don't think they did.

Q Don't think any of them got it? A I don't know, I don't remember, of course I can't state.

Q You wouldn't swear that he told you he came here in '69, positively? A Not positively, but that is my best recollection.

Q Well, that has been a long time ago, hasn't it? A Yes, sir.

Q You ever been arrested? A I don't know that that cuts any figure in the case.

Commissioner: Please answer the question.

A Why yes.

Mr. Mellette: What were you charged with? A I was charged with charging an unlawful fee in a pension case.

Q That all? A And detaining pension money.

Mr. Hastings: What was done with the case, Mr. Ward? A Dismissed.

JOHN L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John L. Ward.

Q What is your age, Mr. Ward? A Age is 50.

Q What is your postoffice? A Mayville, Arkansas.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q You live on the Cherokee side of the line? A Yes, sir.

Q What was your father's name? A His name was James Ward.

Q Did you know a colored man by the name of Peter Ward? A I did when I was a boy, I haven't seen him since.

Q Did he have some children? A Yes, sir.

Q You remember any of their names? A Yes, I recollect most of their names, there was Margaret and Abraham, Louise was the old lady's name.

Q We want to identify the family, name some of them? A Margaret and Abraham and Berry and Miner and Ben I think and Dave and Elize and Clint.

Q Did you ever see any of them after the war? A I never saw but one of them; yes I have seen them too, I seen Squire here the last Court, one they call Dick or Squire.

Q Well which one did you see first after the war? A That was Miner.

Q What was her name then? A Now I think she called her name.

Q Where did you see her? A Up here between here and Chatopa, Big Creek I think it was.

- Q Between here and Chatopa? A Yes, sir.
- Q In what district? A In Cooweescoowas I guess.
- Q Did you have any talk with her? A Yes, sir.
- Q About when was that talk? A Sometime in the sixties, '55 or '6 or '7, somewhere along there, I don't recollect just the year.
- Q Now think over the date, do you mean '60? A '70 I mean '70, something in '70, I have got it wrong, '60 I said, it was sometime in '70.
- Q You say it was sometime in '70? A Yes, sir.
- Q You know whether it was before or after this railroad ran through here? A Yes, sir, it was after this railroad ran through here.
- Q This M.K. & T.? A Yes, sir.
- Q Well, what conversation did you have with her? A We stopped there where she lived and she called up a couple of boys that she had and she told me their names, she called one of them Grant and the other one Sherman, and ~~toixam~~ then she sent a crazy negro down in the field for her husband, and she said she wanted to know what they were going to do about them, she said they got back too late; I said I didn't know what they were going to do, and that is about all the conversation I had: I asked them about the family, where they lived; they were all around there except one of them, there was one had never come back, that is my recollection, I don't know which one now.
- Q Who was with you at the time? A Will, my brother, we had been up to Coffeyville with some apples and came back by there and stopped.
- Mr. Vallette: You say you asked them about the family? A Yes, sir.
- Q Talked a good while with them I suppose? A We stopped there about half an hour or an hour.
- Q Where did she say her father was? A He lived there somewheres.
- Q Where? A U. here about Big Creek.
- Q Where did she say Abraham was? A He was there.
- Q Where? A Up in there, right close there, I was asking how they all were getting along.
- Q How many years ago has that been? A Along in '70 sometime.
- Q '70 when? A Between '75 and '77.
- Q What made you say it was in '60 first? A I just miscalled it.
- Q Wasn't it in the sixties? A No, sir.
- Q Don't you know it was in '66? A No, sir.
- Q Between '66 and '7 and '8? A It wasn't in '66.
- Q Why wasn't it? A Because this railroad was built through here.
- Q When were you first called upon to remember this? A Well, it was down here in this rock house down here.
- Q How long ago? A I don't remember.
- Q When Mr. Wallace made this roll? A No, sir.
- Q When Mr. Kern and Clifton made the roll? A It was when this negro attorney was down there, I don't know his name.
- Q How long ago? A I don't remember just now.
- Q About how long ago did you first remember that she said she was too late? A It was when we were up there, is all I know about it.
- Q About how long ago, I want to find out when it was? A The reason I think it was about seventy, because I was married in '78 and it was before I was married.
- Q How many years before you were married? A Two or three.
- Q Two or three? A I don't remember just exactly, it was so long ago you can't recollect, I can't recollect the exact dates.
- Q That is what I am thinking about, unless I have something to impress it on my mind; nobody called on you to remember what they said for twenty or thirty years afterwards? A No, I wasn't called on until I was summoned here before this court.
- Q This time? A No, that other time.
- Q What time was that? A I don't remember; you may recollect the date Mr. Hastings.
- Q Who were making the roll at that time? A Hastings and Thompson and there was a negro there, an attorney, I forget his name.
- Q You can't give any idea when that was can you? Why can't you remember the date you were first called on to testify to this fact?

as well as you can remember when she told you she came here too late?

A I never paid much attention to it.

Q Did you pay much attention to when she said she came here too late? A Yes, I recollect by the trip we made and I got to counting it up.

Q After thirty years you got to counting it up, did you? A It wasn't thirty years.

Q Well, twenty? A Let's see, it was over thirty years I guess.

Q It was over? A It was in seventy something.

Q Well how many years has that been? A Well I can count, this is 1901, you can count yourself.

Q Why I am not going to do it, I asked you how many years it was?

A Thirty years from seventy, and then it was along in '70, well I don't recollect just exactly the year though, it was before '77, sometime between '70 and '77, I don't remember just exactly the year, I don't propose to swear something I don't know.

Q Well you give it up then, you can't tell how many years it has been? A I don't recollect the exact year.

Q And you can't tell the year you were down here in the rock building and when Mr. Hastings and Mr. Thompson were making the roll? A No, I don't recollect the exact year.

Q Was it 1895? A I don't remember.

Q 1890? A (No response.)

Q Was it 1890? A No, sir, it wasn't then.

Q When was it? A I don't know just when, I don't recollect the year.

Mr. Hastings: That was the first time you had seen these old slaves since the war, when you had this conversation? A Yes, sir, and then during this Court I was sworn when I was up here last Court.

Q Are you summoned here as a witness this time? A Yes, sir.

Q Were you summoned when you testified before when I represented the Nation in part? A Yes, sir.

Q You remember Mr. Thompson was a member of the Court at that time? A Yes, sir.

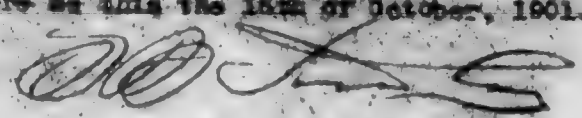
Q You remember the other two members of that Court? A I don't recollect them.

Taking of testimony continued by stenographer J. O. Roason.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 15th of October, 1901.



Commissioner.

Continuation of taking of testimony in case of ABRAHAM
WARD, C.F.-D.#607.

Former portion taken by Stenographer
Bruce C. Jones.

APPEARANCES:

Mr. Mellette, of Counsel for applicant;
Mr. W. W. Hastings, of Counsel for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles,
testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A L. B. Bell.

Q Age? A 62; Vinita.

Q Mr. Bell, when was this railroad, M. K. & T. railroad, built
through this country? A '71.

Q When was that first Cherokee payment made after the war? A '75.

Q Do you know whether colored people and all participated in that
payment or not? A Yes, every Cherokee citizen and whole lot
that wasn't.

Q That was a general payment? A Yes, that was general payment
intended for relief fund for all people living in the Cherokee Nation

MR. MELLETTE: Did any colored people get pay at that time?

A Yes, I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called, testified as follows
in his own behalf:

MR. MELLETTE: What is your name? A Abraham Ward is my name.

Q Are you the Abraham Ward who is an applicant for enrollment as a
Cherokee Freedman? A Yes, sir.

Q Did you know J. L. Ward who has just testified in this case?

A Yes, sir, I know him.

Q Did you ever make a statement as testified to by him that you
came here too late to become a citizen? A No, sir, I did not.

Q Did you make statement, as testified to by him, that you came
back in '69? A No, sir.

Q Did you hear the testimony of John Ward, the last witness?

A No, sir.

Q Did you hear his testimony? A I heard it yes, sir.

Q Did you hear a statement being said of yourself, mother or
sister to him? A Yes, sir.

Q Where is that sister? A She is dead.

Q How long has she been dead? A About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward
after the war? A I saw him when the Cherokees drew that general
payment, what called bred money.

Q What year was that? A I don't remember just what year it was.

Q Well, that is strange? A It was in '70 though I think.

Q Where did you see him? A '78 or '9; saw him right here at Vinita

Q '78 or '92? A Yes, sir.

Q Along there; saw him here at Vinita? A Yes, sir.

Q You didn't talk with him? A Yes, we was talking about our
boyhood times.

Q Talked to him where you had been? A No, sir, he knew where I
had been.

Q He was your young master? A Yes, sir, no and him was about one
age.

This Testimony will be made part of the record in cases
D.#608, D.#610, D.#611, D.#613, D.#625, D.#615, D.#616, D.#618,
D.#619, D.#621, D.#622, D.#623, D.#625, D.#626, D.#607

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J. O. Reason, being first duly sworn, states that as stenog-
rapher to the Commission to the five Civilized tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

Subscribed and sworn to before me this October 11th, 1901.

re went on.

Q You see these words up there? A Yes, sir, I remember the three.
Q You don't know how long they had been there? A No, sir.
A. Rastine. You loaded Jose Brown up in your wagon? A Yes, sir.

Commissioner: This testimony will be made part of the
record in Freeman cases D-600, D-610, D-611, D-612, D-613,
D-614, D-615, D-616, D-617, D-618, D-619, D-620, D-621, D-622, D-623, D-624,
D-625, D-626.

next witness

Q Now, when you were sworn in as a member of the
committee to the five civilized tribes, did you correctly record the
testimony in the above cases, and the foregoing is a
true and correct transcript of his stenographic notes thereat?

Answer to and certified before me this the 21st of October, 1901.

COMMISSIONER OF THE
DEPARTMENT OF THE INTERIOR
D. C.

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W. C. C. C.

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file with Cherokee Freedman, D-810. Will Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

In the matter of the application of Abraham Ward et al. for
enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mellotte & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JOHN B. BROWN, being duly sworn by Commissioner Needles, tes-
tified as follows:

Mr. Hastings: What is your name? A John Brown.

Q J. B. Brown? A Yes, sir.

Q What is your postoffice? A Springer.

Q That in the Territory? A Yes, it is in the Territory.

Q You are a Cherokee Indian by blood? A Yes, sir.

Q What is your age? A I am 52.

Q You married a Choctaw, or Chickasaw? A Married a Chickasaw.

Q How long have you been down there? A I moved down there about
two years ago.

Q When did you come back to the Cherokee Nation after the war?

A We landed back in the Cherokee Nation in the fall of '65.

Q Where did you live during the year of '66? A We were down
there on Grand River.

Q Where did your father live in '67? A He was on Pryor Creek, I
think he lived on Pryor Creek.

Q Do you know a colored man by the name of Peter Ward, and Abra-
ham Ward? A Yes, sir.

Q When did you first see them after the war? A To the best of
my recollection, I saw them in '68 in Kansas near Mound City.

Q What were you doing up in Kansas? A There was an old negro that
my father owned, lived with him, I met him down here, and he had a
pension coming to him and I went with him up there to draw this money
and I found these people there in Ottawa, we went to Ottawa, Kansas, to
draw this money and there is where I saw these people.

Q Who did you go with? A Jess Brown and Jess Marcum, and there I
saw old Uncle Peter Ward and Abe and Berry, there was younger ones
but they were smaller, I got acquainted with them three.

Q Were they living there at the time? A Yes, sir, they were
living there.

Q Living in town or on a farm? A No, they were living on a farm
out a little piece from Mound City. Mound City, as well as I recollect
must be about 40 or 50 miles of Ottawa, Kansas.

Q About what time in the year did you see them there? A It was
in July or August, I remember they were cutting wheat when I was there.

Q Summer time? A Yes.

Q Well, about how long did you stay around there? A I don't know
how long, I don't remember how long. we stayed a while at Mound City
and then went on up to Ottawa and stayed there quite a while, we didn't
get the money when he first went there, we had to wait on account of
some papers wasn't fixed up right, and we had to stay there, I would
not say positively how long it was.

Q Was you at Peter Ward's house? A I can't say positively; you
see there was a whole bunch of them lived around there, and I went
to several of the houses around there and when they had preaching there
while I was there and I went to church and seen them; they all round
that I was an Indian and they came in to see me and talk with me.

Q You were with these colored men, two colored men? A Yes, sir, I

was with Jess, his mother was living there and his brother was there.

Q His mother and brother? A Yes, sir, mother and brother.

Q Did you see Abraham Ward? A Yes, sir, yes, sir.

Q You remember distinctly seeing him? A Yes, I remember him very well.

Q Well now did you meet anybody after you came back home, after you came back to the Cherokee Nation? A That do you mean; when I came back who did I meet?

Q Yes, if anyone? A No, I left them over there, they never come back.

Q Did you meet any of the Couches? A Yes, sir, Sam Couch and Pete Couch had just moved from Texas and I moved on Pryor Creek, they just had moved in, I just had come back from this trip and met them on Pryor Creek.

Q Now how many wards had you seen up there, you saw Peter and Abe and Berry? A I remember Peter, that is Abraham's father, Uncle Peter we called him, and Berry and Squire, not Squire, no, Abraham, them three I remember.

Q There were others but you don't remember? A Yes, there were other boys, I got acquainted with them after they moved back later on, but I don't remember seeing them up there like I do these other men, I knew them after I met them after they came back I knew who they were.

Q Did they say anything about having been back down here after the war before that? A No, sir, never said anything about that, they told me ~~what~~ they were coming back just as quick as they could come, everyone I seen was talking about coming back.

Q Where did you live in '66? A We were down on the Adair place, some called the Adair place and used to be known as the Alex McDaniel place.

Q Where were you in '67? A We were there in '67.

Q Where were you in '68? A Then we went on Verdigris, we had moved over there to Verdigris.

Q And that was in '68 you went up there? A Yes, in '68 I went to Kansas.

Mr. Mellette: You say you saw these wards up there in Kansas at church? A Yes, sir.

Q How long did you stay in Kansas that fall? A I can't tell you how long I was there.

Q You didn't lose your citizenship by going up there to Kansas?

A Didn't lose my citizenship, no, sir.

Q How long did you stay there, you say? A I don't remember, might have been there two, three or four weeks.

Q You didn't go to their house? A Yes, sir, I went to old Uncle Peter Ward's house.

Q Why didn't you say just a while ago that you did go to their house? A I said I went to several homes there, they lived all around in that country at different places, and I had been meeting them one day and another while I stayed there.

Q What were you doing while you were up there? A I went up there with this old Jess Brown to get his money.

Q Where did you have to go to get his money? A Went to Ottawa, Kansas.

Q How far is that from here? A I don't remember how far it is.

Q About how far? A Oh, it is a long ways.

Q How far did they live from Ottawa? A As well as I remember, it must be forty or fifty miles, they were living at Mound City to the best of my recollection.

Q What were you doing at Mound City? A There is where Jess's brother and mother lived, we landed there first.

Q What did you stay there for? A He wanted to see his mother, I stayed with him.

Q Did you have to stay with him? A Of course I had to stay with him, I went with him, whenever he got ready to go on up to Ottawa.

- 3 -

we went on.

Q You saw three Wards up there? A Yes, sir, I remember the three.

Q You don't know how long they had been there? A No, sir.

Mr. Hastings: You hauled Jess Brown up in your wagon? A Yes, sir.

Commissioner: This testimony will be made part of the record in Freedman cases D-608, D-610, D-611, D-613, D-425, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-625, D-626, D-605.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 21st of October, 1901.

C. M. Henderson

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 15, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel Thompson et al., C. F. D. #806.

Appearances:

James S. Davenport for the Cherokee Nation
Mellotte & Smith for the ~~Cherokee~~ applicant.

T. F. Thompson, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation—

(By Davenport)

Q What is your name? A T. F. Thompson.

Q Where do you live? A 3 miles south of Vinita.

Q What is your age? A 21.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.

Q Did you know him before the war? A Yes sir.

Q Do you know where he went during the war? A I think he went north to Kansas.

Q Where did your family go during the war? A To Red River.

Q Choctaw Nation? A Chickasaw Nation.

Q When did you return to this country? A In the fall of '66, in October.

Q Did this applicant go with your family? A He never was with us during the war.

Q When your family returned to the Cherokee Nation where did they locate? A On Grand river, 12 or 15 miles east of here.

Q How far from where they had originally lived? A Same place.

Q Was the applicant there when you returned? A No sir.

Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.

Q With reference to the time the railroad was here when was it? A The Katy was here I think.

Q About what year was it? A As well as I remember it was in '71 or '72.

Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir.

Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.

Q Where was he living at that time? A On Big Creek, he told me.

Q Did he say then that he had been living on Grand river at the old place? A No sir.

Q You had always lived on the old place since your return? A Yes sir.

Q Same place you lived on prior to the breaking out of the war? A Yes sir.

Q Had the applicant been there after the war—to your house? A Not that I know of.

Q You saw him here in Vinita for the first time after the war? A Yes sir.

Q Did he come to your house at that time? A He came to my father's house and staid a day or two with my father.

(By Smith)

Q What was your father's name? A Johnson Thompson.

Q Is he a Cherokee? A Yes sir.

Q By blood? A Yes sir.

Q A recognized citizen of the Cherokee Nation? A Yes sir.

Q Did he own Daniel Thompson before the war? A Yes sir.

Q Was Daniel Thompson with your father when the war commenced? A Yes sir.

Q What time did you get back here after the war? A October, '66.

Q You came to what place? A Our old place.

Q How far from where Vinita is now? A 12 or 15 miles.

Q How old were you then? A 13 years old.

- Q Just a boy? A Yes sir.
- Q From the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school one or two sessions at Pea Ridge, Arkansas.
- Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.
- Q All you know is that the first time you saw him was in '71? A Yes sir.
- Q You don't know how long he had then been in the Cherokee Nation? A No sir.
- Q You don't know where he was during the war? A No sir.
- (By Davenport)
- Q When were you at school? A In '67, in the fall.
- Q You was at home then from '66 to the fall of '67? A Yes sir.
- Q You never saw the applicant there then? A No sir.
- Q Never heard of him being there did you?
- DE MR. SMITH: I object to him stating what he might have heard.
- (By Smith of witness)
- Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.
- Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by Com'r. T. B. Needles, testified as follows on the part of the Cherokee Nation:

- (By Davenport)
- Q What is your name? A David Stinger.
- Q Where do you live? A On Big Creek, Cherokee Nation.
- Q How old are you? A 60.
- Q How long have you lived in the neighborhood of Big Creek in the Cherokee Nation? A About 26 years.
- Q Do you know the applicant here, Daniel Thompson? A Yes sir.
- Q How long have you known him? A Since '72.
- Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.
- Q What was he doing when you saw him? A Just commenced making a home there.
- Q Did you have a conversation with him then? A Yes sir.
- Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here—thought he would come back home as he called it.
- Q Did he have a family with him then? A Yes sir.
- Q What year was that? A I think in '72.
- Q What improvements had he made then? A Nothing, he was just in a wagon there.
- Q Did he say when he had gone to Kansas? A No, I don't know anything about that.
- Q Was anything else said about his having been in the Cherokee Nation before that? A I don't think there was.
- Q How many children did he have there? A Two.
- Q What were their names? A Sandy and Mandy.
- Q Were they both with him? A Yes sir.
- Q Did he afterwards make a place there? A Yes sir.
- Q Where has he been living since? A Right there all the time.
- Q What year was this you say he came there? A '72.
- (By Smith)
- Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.
- Q How long had you been there in '72? A I came there in '71.
- Q Where from? A Peoria, Illinois.
- Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.

Q You don't know where he was in '69? A No sir.

Q Or in '68? A No sir.

Q Or in '67? A No sir.

Q Or in '66? A No sir.

Q Or in '65? A No sir.

Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.

Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.

Q You don't know when he first came here after the war? A No sir, only that time.

Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)

Q Was he living there when you came there in '71? A No sir.

Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A William Noble.

Q Where do you live? A On Big Creek, Indian Territory.

Q Cherokee Nation? A Yes sir.

Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.

Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Good many years, I can't say exactly how long, I think he moved in there on Big Creek right close to me, I think he came from Kansas there in the fall of '72, and he has lived there ever since.

Q Did he settle a place there when he came down? A Yes sir.

Q How far from you? A Two and a half miles.

Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.

Q Did he have his family with him? A Yes sir.

Q Children? A Wife and three children.

Q Did you have any conversation with him? A Yes sir, he told me he just moved in from Kansas.

Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.

(By Smith)

Q When did you first come to the Cherokee Nation after the war? A In '64.

Q Were you in the army? A Yes sir.

Q When were you discharged from the army? A I was discharged, I think it was in '62.

Q In what? A '62.

Q Were you discharged before the war closed? A No sir.

Q But you think it was in '62 that you were discharged? A I believe it was.

Q In '61 maybe? A Somewhere along there.

Q Somewhere in '61 or '62? A Yes sir.

Q You testified Saturday last in the Josh Vann case didn't you? A Yes sir.

Q Didn't you say then that you were discharged in the year '65 from

the army? A I dont think I did, I think I said I didn't know exactly.

Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.

Q When you came back to make that correction, didn't you say that you were discharged in '66 and that you were discharged after the war closed? A I think I was discharged in '68.

Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.

Q When did the war close, what year? A I think it was in '61, wasn't it?

Q When did it commence? A You are just a little ahead of me when it commenced, I dont recollect it.

Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time the war was over.

Q What did they discharged you for the first time? A Three years service.

Q Then you went back the second time? A Yes sir.

Q How long did you stay then? A Two years.

Q How long did that war last? A Five years, wasn't it?

Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.

Q What year did you get here? A In the spring of '66.

Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.

Q And you are certain you were discharged from the army after the war was over? A Yes sir.

Q And you got here in '66? A Yes sir.

Q Now, how did you do that? I went from Louisville, Kentucky where I was discharged, to Iowa, and from Iowa to Kansas and from Kansas here.

Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '72.

Q You dont know how long he had been here before that? A No sir.

Q You dont know when he came here? A No sir, except when he came to Big Creek.

(By Davenport)

Q You dont know when the war began? A No sir.

Q Nor when it closed? A No sir.

Q Had Dave Stinger come to your place before Daniel Thompson come on Big Creek? A Yes sir.

(By Smith)

Q Where did you go after you were discharged? A Iowa.

Q Where did you go there? A Kansas.

Q Where did you stop in Kansas? A Mouth of Cherry River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.

Q Did you have any trouble up at Short creek? A No sir.

Q Were you never arrested in Kansas? A No sir.

Q Do you remember a man named Sage in Kansas? I dont remember, I am not acquainted with him.

Q Didn't you have any trouble with him and get arrested? A No sir.

Q Didn't he have you arrested? A I dont know so.

Q Don't you know? A I dont know I wasn't arrested there.

Q Have you ever been arrested at all? A No sir.

Q Where? A In the Cherokee Nation.

Q What for? A Little trading.

(By Davenport)

Q What became of that case? A It was taken to Fort Smith and went before the grand jury and they didnt find any fault against me.

(By Smith)

Q Are you a citizen of the Cherokee Nation? A Yes sir.

This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, B-208, and also in U. S. D. cases P-623 and D-693 and their subreferences.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 17th of October, 1901.



Commissioner.

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FILED BY RECOR

File with case of Will Ward, et al., C.F.-D.#610.

Supl.C.F.-D.#607.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CHEROKEE
Freedmen of ABRAHAM WARD, ET AL., the following supplemental testi-
mony is offered on part of applicants:

APPEARANCES:

Mellette & Smith, Attorneys for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

STEPHEN RIDGE, being duly sworn by Commissioner Needles,
testified as follows:

MR. SMITH: State your name? A My name is Stephen Ridge.
Q How old are you? A I am 80 years old.
Q Are you a colored man? A Colored man?
Q Yes? A Yes, sir.
Q Where do you live? A I live in Mound City, Kansas.
Q How long have you lived there? A Oh, about 37 years.
Q In what year did you go there? A I went there in '64.
Q In what time in '64, what season? A Well, I got up there
September 12th.
Q To what place now do you refer? A Mound City.
Q What is your business, what do you do? A Well, I have done
a good many things for a living, but I was employed by the Second
Baptist Church there; that is in '65, in the month of May I took
charge of the Second Baptist church there.
Q In what year? A In '65 in May.
Q Well, in what way did you take charge of it; what did you do?
A I preached the best I knew how.
Q You are a preacher are you? A Yes, sir.
Q Well, did you know a Peter ward there? A Yes, sir, I know him.
Q When did you first get acquainted with Peter ward? A I was
slightly acquainted with him down in Arkansas.
Q When did you first get acquainted with Peter ward? A We was
slightly acquainted as I stated down in Arkansas; no, I will take
that back if you will please, I got little kinda off, I can't keep
memory like I used to.
Q Just tell us when you got acquainted with him? A We was slight-
ly acquainted in the old Territory; wasn't that right; was it.
Q Just stop now and tell us when you first knew Peter Ward?
A Well, I was correct after all.
Q Ever know Peter Ward in Kansas? A Yes, sir.
Q How long had you been up there in '64 before you became acquainted
with Peter Ward? A Oh, I became acquainted with him the first
month I went there; that was in '64.
Q About how long did you know him there in Kansas? A Oh, I
knew him all the while; while he was there until he come away.
Q Well, about how long was that? A Oh, I guess not over a year or
after I got up there; that is as long as we lived together. Well,
if you will let me state it.
Q Go ahead now? A Well, the way this come up; how I got so well
acquainted with him was there as I told you, the church got me em-
ployed me for a preacher and he was then a member of that organiza-
tion and was a deacon in that church and you recollect we had our
monthly meetings to transact our business there once a month and
of course we had a great deal of business together; that is the way
I became so well acquainted with him. We was both members of the
same church.

Q Do you know what the last business was that Peter Ward transacted there in that church, or when it was? A Yes, sir. He was with us the 17th day of June, '66; that is the last time he transacted business with us.

Q The last time he transacted business with you in the church?

A Yes, sir.

Q What did you do then? A We elected another deacon in his place.

Q What business was it you transacted on the 17th day of June, '66?

A Well, the reason I remember so well about that, I remember being the last, in receiving a member into the church we, he took a stand against it; that is what keeps me in remembrance of it so well, and it was the last transaction in the church.

Q Have you any book or church record? A I have got that first little book we had, but I haven't got it in my pocket; I had it in the forenoon and went down to dinner and thought I wouldn't have no use for it and left it in my valise.

Q By what did you fix the dates of these church meetings and matters that you have talked about?

Mr. Davenport: I object to that unless you get the book up here.

A The first time the church meetings was for a while we always had out church meetings on the Saturday before the first Sunday in the month and then we changed it, I requested the church to change it to Saturday before the Second Sunday on account of the other organization I had joined.

Q Well, after that time in June, '66 that you speak of, what became of Peter Ward; do you know whether he remained in that neighborhood, or did he go away from that neighborhood? A I heard he came to the Territory.

Q Did you ever see him there any more? A No, sir, I never saw him there any more; didn't see him any more--oh, I don't know for several years.

MR. DAVENPORT: Who is this you are talking about? A Peter Ward.

Q What Peter Ward? A Why Peter Ward that's dead, I know.

Q Just Peter Ward? A Yes, sir.

Q Did you ever see more than one Peter Ward in your life?

A No, sir.

Q You saw one in Arkansas? A That is the same one.

Q How many children did Peter Ward have? A Oh, I don't know.

Q Did all his children go away when he did or not?

A I don't know whether they all went away at the same time or not; I know they all left.

Q All left eventually? A I would not swear that.

Q Have you been living there at Mound City, Kansas, continuously since that time? A Yes, sir.

Q Don't you know that one of his family lives up there now and has been since the war; one of his boys? A I don't know; which one?

A I am asking you if you know? A Oh, no, I don't know.

Q What boys do you know? A I know some of the older ones.

Q What is one of the older one's name? A There was Berry and Abraham and Squire, I know them all, and he had one named Ben and he had one I won't be positive, but I tell you I know them, and another one was.

Q That is the last time you saw Peter in the church? A Yes, sir.

Q You have been custodian of the church books ever since that time?

A No, no, we had Clarks.

Q Have you been Pastor in charge of that church ever since 1866?

A No, sir.

Q Have you lived in Mound City all the time since that time?

A Yes, sir.

Q Who do you know up there? A I know quite a number of folks.

Q Do you know J. B. Brown, up there? A What J. B. Brown.
Q Just J. B. Brown is all I know. A I know one Brown.
Q Well, do you know a fellow by the name of J. L. Ward that lives up there? A What is he?
Q He is a white man or Indian? A I know Mr. Ward.
Q Well, do you know A. B. Osborn? A Buy Osborn, I know him.
Q He lives there in Mound City.
Q Well, do you know C. W. Kingsberry? A There is a man that lives about there, about three miles above Mound City, I know him by name perfectly well, but I never got so well enough acquainted with him to know him when I see his face but I know there is such a man as that.
Q When did you look up that church record to see when the last time Brother Peter Ward officiated with you? A I just looked it up here about a week ago.
Q Where had that book been all the time? A I had it in my possession.
Q You made the entries in the book? A No, sir, I told you we had a clerk and he was not a member of the church and then we had, or rather thought we ought to have a clerk that was a member of the church and then they elected a man by the name of Sam Clark, he is dead now and after he left he left and went down to Iola, or some place.
Q Well you don't know where Ward went after he left there? A I don't know no more than what he said; said he was going to the Territory.
Q When was that? A That was in '66.
Q How do you know it was in '66? A Because.
Q Does your book say that? A Yes.
Q Your book says Ward had resigned because he was going to the Territory? A No, the book don't say so, but I noticed this in order to find out about the time when Peter Ward left there, I remember; I say it was the 17th day of June, as I stated. It was the 17th day of June and when I found I remembered when looking over it, I noticed that that was the last time Brother Ward was there with us to transact business and it was on the 17th day of June, '66; but he never was with us any more after that in our transactions in the church and of course that give me a very good reason to believe that he came right off because he had been talking of it before.
Q You don't know that he moved at once to the Territory? A I don't know; that is, I don't know what day he left on; I know he never was with us in church meeting after that, and I have always believed he come right straight to the Territory because I never saw him any more; after he had been up there in the neighborhood he would have been in the church meetings.
Q You are just imagining that? A I know that because he was a faithful member and never missed.
Q Did your members attend all the time or did some of them backslide? A I could not tell you much about that, because we always has some little back-sliding in the churches and of course we didn't keep track of it all the time.
Q Where was it in Arkansas you saw this fellow? A We met in Mayesville; well, we wasn't well acquainted then as we might have been, but remember when we met here in Kansas that we had met before.
Q Well, where was you living when you met this man at Mayesville, Arkansas? A I was living on Honey creek.
Q In what country? A In the Indian Territory.
Q Are you a Freedman? A I am a Freedman, but I have about give it up because you have took such stand here against us Freedmen, and because we lived a little while in Kansas, we could not live here; I have spent about a hundred dollars to get my name on, and did have my name on the Wallace roll and when I come to find it could not find it.

Q Did you get your name on the Kern-Clifton roll? A No, sir, I didn't know when was the proper time, I come too late.

COM'R NEEDLES: Had Peter Ward been talking to you about coming to the Territory? A Yes, sir, he talked it all around there, it was known all over the neighborhood he was coming to the Territory and of course we calculated when he left there that he come to the Territory and I believe that with all my soul.

MR. DAVENPORT: He has been talking to you since you have been down here this time? A We talked a good deal, we always do when we meet; I have been down here several times before since he come, but I didn't meet him after he come down here, I expect it must have been five or six years afterwards. Well, the first time I met him was when I come to get my ~~name~~ ~~in the~~ ~~wax~~ name on the Wallace roll after he come.

(Application is continued until the witness can send and get the book of which he has been referring.)

Q In giving your testimony a while go when you referred to your church book; is the name of Peter Ward shown in the book on the date you referred to as fixing the date that he last officiated with you at the church? A No, sir.

Com'r Needles: This testimony will be made part of the record in the case at bar and part of the record in D)608, D610, D-611, D-613, D-425, D-615, D-616, D618, D-619, D-621, D-622, D-623, D-625, D-626, D-605.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this November 5th, 1901.

[Signature]

Commissioner.

File with Cherokee Freedmen. D-610, Will Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Witte, I.T., October 29, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mellotte & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

A. R. WAYNE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A A. R. Wayne.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q What is your age? A I am 58 years old.

QC Were you in Lynn County, Kansas, during, and the years immediately after the war? A Yes, sir.

Q I will ask you if you know a colored man by the name of Peter Ward? A Yes, sir.

Q Where did you learn to know him at first? A Four miles and a half west and one half mile north of Mound City, Lynn county, Kansas.

Q When? A In 1866.

Q You know whose place he was living on at that time? A I forget the name of the man at that time, in '66.

Q Do you know where he moved, if at all, in '66? A He moved to the farm of Jacob Durben, and some call it the C. W. Kingsbury place now.

Q Is Kingsbury his grandson? A Of Durben's, yes sir.

Q How long did he continue to live on the Durben farm? A 3 years.

Q Now by what do you fix that? A The first time that I saw him I know where I was working breaking prairie, and I stuck a thorn in my foot right in there, and I stopped and Mrs. Ward said that the gall of a bee was the best thing I could put on it, and by me breaking prairie I know it was in '66, I know where I was living at that time.

Q How do you fix the next date, three years later, which would make it in '69? A I have a record of the expenses that I had paid out in May, toward the last of May, from the first of January till the last of May, that me and him had a transaction whereby as I paid him \$2.50.

Q Peter Ward? A Yes, sir, the second day of March.

Q Of what year? A 1869.

Q Where was he living at that time? A He was living on the farm of Jacob Durben.

Q Do you know any of Peter Ward's children, sons, members of his family? A I know one girl and I know Abraham Ward, Clint Ward, I presume his name is Clifton but we all called him Clint, and George; I believe that is all that I can bring to mine now at the present time.

Q Have one by the name of Berry? A Yes, sir, I think Berry was the second boy.

Q Was there one named Squire Ward? A Yes, sir, I think there was.

Q You recollect it now? A Yes, sir, Squire Ward.

Q Where were these children living between the years of '66, when you first knew the father, and '69? A They were living with their father; the boys of course would work around first one place and another wherever they could find work, but there is where they made their home, with their father.

Q Have you seen them since that time, '69? A No, sir, I haven't.

Q Do you know whether you would know them or not now? A No, sir, I haven't met them so often as them what I have in this other place.

Q Do you know that one over there (indicating Abraham Ward)?
A Yes, sir, I have seen that gentleman over there, but I can't tell you his name; I know by the looks of him I have seen him.

Q You can't recollect to have seen any of them since '69? A No, sir.

Q How far did you live from them say in '69, from the Durben farm?

A About a mile and three quarters.

Q Well, how did you live that far from '66 to '69 to them? A No, sir, in '66 I was living farther off.

Q Well, when did you come up nearer to them? A When I got married in '67; I was married in '67 and I was a little bit closer to them.

Q Well, were you as near in '67 as you were in '69? A Same place.

Q You were as near to them in '67 as you were in '69? A Yes, sir, same place.

Q And you remained on the same place from '69 to '69? A Yes, sir.

Q Now during that time, far from '66 up to '69, did you miss Peter Ward or any of his sons away from up there? A No, sir.

Q Did you have occasion to see them from time to time? A Only upon one occasion to my knowledge that I got to see them except just in passing around; I had one transaction that I was over to their house.

Q Did you see them in the country any place? A Oh yes, I have seen them around.

Q You mean by that, that that is the only time you ever had my personal business transaction with them? A Yes, sir, that is what I mean, personal business transaction.

Mr. Smith: what month in the year 1866 was it you got acquainted with Peter Ward? A Well sir, I can't tell you what month, but then I know it was along in the spring because I was breaking prairie, breaking it with oxen.

Q Did you break any ground except in the spring? A Not the prairie, to my knowledge, I never did.

Q You have been there in that country ever since '62? A I had been there ever since '65.

Q You had been living there some ten or eleven years when you first became acquainted with Peter Ward? A Well, I came there in May '55, and it was '66 when I first recollect getting acquainted with them to know them.

Q Now in what way do you fix the date as in '66 when you first became acquainted with Peter Ward? A I was breaking prairie west of where they lived, and I came up there in regard to my foot; as I said, I had stuck a stub in my foot, and I came up there and Mrs. Ward gave me a piece of bee gall to put on it to draw it.

Q Well, did your foot get well? A Well it isn't off, I suppose it did.

Q Well that has been how long ago? A Well '66; that has been 35 years ago.

Q When did you first have any occasion to remember the matter, or date when you first met Peter Ward, or when was that ever called to your attention first after that time? A For the first time you mean!

Q Yes? A Well it was in March, '69, that I had the transaction with him.

Q That had nothing to do, however, with the time you first met him?

A No, sir, not to my knowledge, no, sir, just seen them from then in passing around.

Q That I mean to say is, the fact that you had the business transaction with him in March or any time in '69 would not aid your recollection as to the time you first met him, would it? A I don't know as I understand your question.

Q I am there was no connection between your business transaction with him in '69 and the date when you first met him, nothing connecting the two things together; one had nothing to do with the other, did it? A No, sir.

Q Well, then, now when did you first have occasion to remember that you met Peter Ward in '66? A I just got told the occasion, even

plowing and going up there.

Q I know, but you did a great many things in '66 that you haven't had any occasion to think about since, haven't you? A Yes, sir.

Q What first brought this incident to your mind, that is what I am talking about? A What first brought it to my mind?

Q Yes, or recalled this thing you are talking about in '66? A Well I was asked if I knew a man by the name of Peter Ward.

Q When? A Well I think it was pretty near four weeks ago.

Q Who asked you? A Why I think he was by the name of Keys, J. M. Keys I think, if I am not mistaken.

Q Well now from the time this thing happened up to the time that J. M. Keys asked you about it, you had had no occasion to remember this incident, or the date when you hurt your foot, had you? A No, sir.

Q Now for thirty-five or six years you had carried in your mind the date when you had hurt your foot? A Yes, sir, I know the date by that transaction of breaking prairie, know where I was living.

Q How long did you live there? A At that place, only lived there at that place just one year, working for my brother that year.

Q Now that has been a long time ago, hasn't it? A Yes, sir.

Q Do you think you can swear with certainty it was in '66 and no other time that you met Peter Ward the first time? A Yes, sir, not to my knowledge to know him. I might have met him but not to know him.

Q Do you think you can't possibly be mistaken about the date?

A I know I can't be mistaken in regard to the date of the year.

Q You know that? A Yes, sir.

Q Well now Mr. Wayne, where is your record? A In my pocket in a book.

Q I would like to see that. A (Witness produces book) That record commenced there, January 2, 1869, it goes on down to there, (indicating on book) is Peter Ward, \$2.50; it goes on down to here, to May, '68, \$102.84; I spent during that time \$102.84.

Q When did you commence to keep this book? A Well, I think that book came in my possession in 1868, along in the winter of '68.

Q When did you quit making entries in it? A In regard to my expenses?

Q No, entries at all? A Well I think probably it was away along in the seventies somewhere, might maybe have been late as '76, toward the back there in regard to some Sabbath School records I think, and in that some part there is some few notes that was in '68, some transactions, and some probably in the seventies somewhere.

Q Mr. Wayne, at this place in that memorandum where the name of Peter Ward occurs, there is no year there, is there? A No, sir, there isn't; there was no occasion for the year when I was keeping the account; you will find here it is entered, and it goes on down here, and here it is March first, and March 3, and goes on down, 2, 11, 12, 13, etc.; there was no occasion for it in keeping the record.

Q Mr. Wayne, what is the entry immediately above the name Peter Ward? A (Reading from book) That there is Ben Brown, a colored man, 25¢; no, 10 in stamps, 15¢.

Q You are sure that that is stamps? A No, sir, 15¢.

Q Then it isn't stamps? A No, sir, I thought it was stamps, but it is some instead of stamps; here is stamps below here.

Q Now Mr. Wayne, that line upon which the word, Peter Ward, is written has been erased? A No, sir.

Q Isn't there an erasure on that line? A Not to that knowledge, and I am the only person that has ever had it.

Q Can you read that entry immediately above that Peter Ward, and Peter Ward, as distinctly as you can the entry immediately below it?

A Well there is a part of the Peter Ward that I can see just the same as I can the other, the same that is below here; there is some call I believe.

Q That is not the question; are the entries below stamps and more distinct than the word, Peter Ward? A No, sir, not that I

notice till they get way down there, they are about the same.

Q Now then you see there is a part of the Peter that you can read better than the other part? A Well, the t there appears to be a little bit plainer.

Q Can you see any e in that Peter? A Yes, sir.

Q Where is it? A Right after the t.

Q If you didn't know what it was could you tell what the remaining letters after the P were? A Yes, sir, that is my handwriting and I would.

Q Now why, Mr. Wayne, is that word Peter Ward blurred, as it appears upon the record? A I can't tell you any more than here: not a bit.

Q You don't know? A No, sir.

Q Did you write the word potatoes on the second page? A Yes, sir.

Q Did you make that P? A Yes, sir.

Q Is that one like this one? A Yes, sir, that one looks like I didn't make it very plain and I taken it again, same as there (indicating) in writing that down it looks as though I had made two cracks on that, and you will probably find the P somewhere.

Q Now Mr. Wayne, sometimes a P is made with one stroke of the pen?

A Yes, sir.

Q Now that P in potatoes is made that way, isn't it?

A No, I don't make a P but very seldom, sometimes I make a P by running down and then back, and sometimes then I make a P by making a straight mark and going around that way (indicating); I make Ps two or three different ways.

Q Now Mr. Wayne, the word Peter there in this book is blurred?

A Yes, sir.

Q It is indistinct? A No, sir, not to my mind it is not.

Q Not as clear as the entries below it? A It is about the same thing here except that P in here, that I see, appears to be a little plainer than that e-t-a-r.

Q Well, do you state that that is as clear as the entries below?

A No, sir, I saw it is not, it is the same as some that would be over here in some other place.

Q Now you didn't use this book since eighteen and what? A Oh I have probably referred to it for some regards in regard to an orchard that I set out, and my little boy that is dead might have got hold of it once, he might have got hold of that book.

Q Where was this book when you were first interrogated about Abraham Ward? A It was in my desk in my room.

Q Did you remember, when you were interrogated as to the time when you had had any business transactions with Peter Ward, without reference to that book? A No, sir.

Q Then you are testifying from that record? A I am testifying from my record in regard to the transaction.

Q Is the record in wrong you are wrong? A Yes, sir.

Q Can you tell me who made the blur, or erasure, if it is an erasure, upon that line upon which appears the name of Peter Ward? A Yes, sir.

Mr. Smith: If the court please, I would like to offer the book.

Mr. Hastings: You can't take the book away from the man.

Q Do you want this book any more? A I have some records in regard to some orchards that I would have to have here.

Q If you are willing, we would like to keep it a while in this case, and the commission will return it to you afterwards? A I have no objections, but there is a little paper in there I would like to get out afterwards.

Mr. Hastings: When was this entry made: was it made at the time that it purports to have been made? A Yes, sir, I tried to put them down the night in which they were made.

Q Mr. Wayne, now the page before, or the second page before this entry of Peter Ward, I notice this date: (reading) January 2, 1892: Is that correct? A Yes, sir.

- 5 -

Q Following that are a great many entries and only the month and the day; is that intended to be that year? A Yes, sir, everything down to May, '69; it tells the date on the opposite page.

Q Opposite page to where you summed it up? A Yes, sir, to where I summed it up here, it is three pages over.

Q Well, between the two pages before this and say three pages afterwards, they contain the transactions of that year or '69? A It does, yes, sir.

Q Mr. Wayne, a good part of this record was kept with pencil, wasn't it? A Yes, sir.

Q Has it ever been erased or mutilated other than by wear? A No, sir, not to my knowledge, unless my little boy might have got hold of it.

Q Well, you never mutilated that name of Peter Ward or erased it?

A No, sir, I wouldn't have any occasion to.

Q Is that in the same condition that you found it when Mr. Keys made the inquiries of you with reference to your knowledge about Peter Ward? A It is exactly the same.

Q No change has been made? A None whatever.

Commissioner: The book testified about will be filed with the papers in the case.

Commissioner: This testimony will be made part of the record in the case at bar, and part in D-603, D-610, D-611, D-613, D-625, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-623, D-626, and D-605.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 15th of November, 1901.

James L. Jones
Notary Public
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #807
SUPPLEMENTAL TESTIMONY

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants.

By Mr. Hastings: I desire to file a certificate from J. A. Cady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: " Peter Ward, one Female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Cady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Brekinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

=====
(COPY)

State of Kansas: ss.
County of Linn:

I, J. A. Cady County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: " Peter Ward, one Female dog." said entry is on page 75 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(Signed) J. A. Cady
(SEAL) County Clerk of Linn County, Kansas.

=====
By Commissioner Brekinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants, be filed in the cases to which this case refers and all subreferences thereto as found upon the records of this Commission.

=====
Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this 9th of November, 1901.


Commissioner.

Freder. D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERCY ADAMS for enrollment
as a Cherokee Freedman.

Applicant appears by Mallett & Smith, Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209 filed in the Marian Hayden case D 496, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Marian Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Ex. Part, D 610;

By W. W. Hastings:

Come now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he resided within the time specified
in the treaty of 1866, or that he had been a continuous resident
of the Cherokee Nation since that time, or that he is a descendant
of such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove its issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who comes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same
is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be an-
swered and the decree of the Court of Claims in the case
of Marian Hayden will be made a part of the record in this case
in all the cases above named and in all the cases which come
within the provisions of the act of Congress and the act granted
by Judge Gill of the United States Court, in the Northern District,
Indian Territory.

By Mr. Smith:

The applicant further moves that as to the above named
cases including the Marian Hayden case that counsel for the appli-
cant be allowed within thirty days to file any or all of the
or all of the record other than the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Peter Hudson and others, consolidating the applications of

Peter Hudson,.....	Cherokee Freedmen	D	604
William Hudson, et al.,.....	"	D	605
Peter Ward, et al.,.....	"	D	613
Abraham Ward, et al.,.....	"	D	607
Ben Ward, et al.,.....	"	D	616
Squire Ward, et al.,.....	"	D	618
Sadie Ward,.....	"	D885	
David Ward,.....	"	D	619
George Ward,.....	"	D	425
Alonso Ward, et al.,.....	"	D	608
Will Ward, et al.,.....	"	D	610
Berry Ward,.....	"	D	611
Lena Ward, et al.,.....	"	D	1117
Malinda Williams, et al.,....	"	D	618

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Peter Hudson for himself; by William Hudson for himself, his wife, Eliza, and his minor children, Emmett, Levi, Wilburn, Ida and Ivory Hudson; by Peter Ward for himself, his wife, Louisa, and his grandchild, Eva Ward; by Abraham Ward for himself and his son, Artes Ward; by Ben Ward for himself, his wife, Sarah, and their minor children, Vannie, Martha, Clarence, Neal and Myrtle Ward; by Squire Ward for himself and his minor children, Joseph, Jennie and Eliza Ward; by Sadie Ward for herself; by David Ward for himself; by Nancy Ward for her husband, George Ward, among others, the other parties to her application, being differently classified, are not embraced in this decision; by Alonso Ward for himself and his minor children, Savannah, Ezra and Elzora Ward, as Cherokee Freedmen, and for his wife, Mahala Ward, as a Cherokee Freedman by intermarriage; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Mahala Ward, as such, will not be passed upon, or con-

aided in this decision; by Will Ward for himself and his minor children, Gracie and Frances Ward; by Berry Ward for himself; by Lena Ward for herself and her minor child, Roxie Beeson, and by Malinda Williams for herself and her minor children, Monroe and Delois Williams. A copy of the testimony taken at Vinita, Indian Territory, on October 15, 1901, in the matter of the application of Daniel Thompson, et al. is made a part of the record herein.

The evidence shows that the applicant, Peter Hudson, together with his wife, Charity Hudson, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion, but returned thereto prior to January 19, 1867. The applicants William Hudson and Sarah Ward, wife of Ben Ward, are the adult children of Peter Hudson and Charity Hudson. The said William Hudson and Sarah Ward were minors at the commencement of the rebellion and are considered to have acquired the status of their mother, Charity Hudson, and, therefore, to have been the slaves of a Cherokee citizen at the commencement of the rebellion. It appears that they returned to the Cherokee Nation with their parents prior to January 19, 1867.

It further appears that the minor children of said William Hudson, included in his application, were born since 1866 and derive their rights to enrollment through him; that Lena Ward, Roxie Beeson and Vannie, Martha, Clarence, Neal and Myrtle Ward were all born since 1866 and are the descendants of the said Sarah Ward, nee Hudson. The evidence further shows that the said Peter Hudson, William Hudson and Sarah Ward, nee Hudson, have resided in the Cherokee Nation from 1866 up to and including the date of their applications herein. The said descendants of William Hudson and Sarah Ward, nee Hudson, are considered to have resided all their lives in the Cherokee Nation with the parents through whom they claim.

It further appears that the applicants Peter Ward, Louisa Ward, Abraham Ward and Ben Ward were the slaves of Cherokee citizens at the commencement of the rebellion; that they removed from the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The applicants Eliza Hudson, Eva Ward, Artes Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elvora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, all born since 1866, are the respective descendants of the said Peter Ward, Louisa Ward and Abraham Ward and have no rights as Cherokee Freedmen, except such as they may have acquired through their said ancestors.

The applicant Squire Ward was a minor at the commencement of the rebellion and is considered to have acquired the status of his mother, Louisa Ward, and therefore to have been the slave of a Cherokee citizen at the commencement of the rebellion. It appears that he was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The said Joseph, Jennie, Eliza and Sadie Ward are his descendants, born since 1866, and have no rights as Cherokee Freedmen, except as such descendants.

None of the names of the persons whose applications for enrollment are denied herein, are found on the 1860 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that Peter Hudson, William Hudson, Emmett Hudson, Levi Hudson, Wilburn Hudson, Ida Hudson, Ivory Hudson, Sarah Ward, Vannie Ward, Martha Ward, Clarence Ward, Neal Ward, Myrtle Ward, Lena Ward and Rexie Beeson should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stat., 495); and that the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abraham Ward, Artes Ward, Ben Ward, Squire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Sadie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Kara Ward, Kinora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of said Act of Congress, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Birby
Chairman.

(SIGNED)

T. E. Needles
Commissioner.

(SIGNED)

C. R. Breenridge
Commissioner.

(SIGNED)

W. E. Stanley
Commissioner.

Dated at Muskogee, I. T.,

this JUL 10 1903

CHEROKEE FREEDMAN.

20

IN RE

R290

Application for Enrollment of

INFANT CHILD

Gracie Ward.

as a citizen of

CHEROKEE

Nation.

JUL 18 1901

Approved,

190



Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 18 1901



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,
of Marie Ward, born on the 22nd day of Feb., 1899.
(Here insert name of child)
Name of Father: Will Ward, a citizen of the Cherokee Nation.
Name of Mother: Belle Ward, a citizen of the U.S. Nation.
Post-office, Winnem 27

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Comanche District.

I, Belle Ward, do solemnly swear that I am 32
years of age and a citizen, by U.S. Nation;
that I am the lawful wife of Will Ward, who is a citizen, by
Birth, of the Cherokee Nation, that a Female child was
(male or female.)
born to me on the 22nd day of Feb., 1899; that said child has been
named Marie Ward, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

F. F. Montgomery
Floyd Blair

Subscribed and sworn to before me this 11 day of July, 1901.

Belle Ward
mark

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Comanche District.

I, Nohaley Ward, a midwife, do solemnly swear that I
attended on Mrs. Belle Ward, wife of Will Ward,
on the 22 day of Feb., 1899; that there was born to her on
said date a Female child; that said child is now living and is said to have been
named Marie Ward.

WITNESSES TO MARK

(Must be Two Witnesses)

F. F. Montgomery
Floyd Blair

Subscribed and sworn to before me this 11 day of July, 1901.

Nohaley Ward

NOTARY PUBLIC.

R. 290
CHEROKEE FREEDMAN. ~~D. 140~~

20

IN RE

Application for Enrollment of

INFANT CHILD

Francis Ward.

as a citizen of

Nation.

JUL 18 1901

190

Approved.


Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 13 1901


SPECIAL AGENT

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,
of Frances Ward, born on the 6 day of May, 1901
(Here insert name of child.)
Name of Father: Will Ward, a citizen of the Cherokee Nation.
Name of Mother: Belle Ward, a citizen of the U.S. Nation.
Post-office, Winn L I

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Cooper's Creek District.

I, Belle Ward, on oath state that I am 32
years of age and a citizen, by Birth of the U.S. Nation;
that I am the lawful wife of Will Ward who is a citizen, by
Birth, of the Cherokee Nation, that a female child was
born to me on the 6 day of May, 1901, that said child has been
named Frances Ward, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

E. L. Montgomery
Lloyd Blair

Subscribed and sworn to before me this 11 day of July, 1901.

J. W. Blair
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Cooper's Creek District.

I, Mable Ward, a Midwife, on oath state that I
attended on Mrs. Belle Ward, wife of
on the 6 day of May, 1901; that there was born to her on
said date a female child; that said child is now living and is said to have been
named Frances Ward.

WITNESSES TO MARK:

(Must be Two Witnesses)

E. L. Montgomery
Lloyd Blair

Subscribed and sworn to before me this 11 day of July, 1901.

J. W. Blair
NOTARY PUBLIC.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Will Ward,

Cherokee, I. T.

Cherokee F-D-610.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

No. ⁷ D. 680

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 1901

Given under my hand this
day of A. D. 1901.

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
SEP 18 1901
..... day of, 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of Mr. Ward
for enrollment as a Cherokee citizen:

Case No. D. 610

To Mr. Ward or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 5th at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

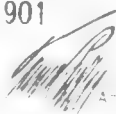
In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L B Bell
M. W. Harrison
Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 8 1901

A handwritten signature in dark ink, appearing to be "Wm. R. ...", is written over the "FILED" stamp.

FORM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 8 - 1901

Date

Post Office

District

COOWEESCOOWEE.

1. Name

Owner's name

Year

Page

No.

District

Age

Citizenship

Parents:

Father

Mother

Citizenship

Citizenship

2. Name of wife

Owner's name

Year

Page

No.

District

Age

Citizenship

Parents:

Father

Mother

Citizenship

Citizenship

Names of Children:

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

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Year

Page

No.

Dist.

Year

Page

No.

Dist.

Application made by

Stenographer

No 1 on Wallace Roll P. 152 No 3164, Wm Ward, Xoo. Dist

X ref to 10 607

No 2-3 Birth certificates required

Represented by Mellette & Smith, Vinita, Ok

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 21st, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the original testimony of June 8th, 1901, in the
matter of the application of Will Ward et al for enrollment as
Freedmen of the Cherokee Nation.

M. W. McEllett

Attorney for Applicants.

Cherokee F. #D610.

COPY.

Cherokee Freedmen
D-604, 48.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tableau, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson, et al., granting the applications for the enrollment, of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Arden, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alamo, Savannah, Mera, Elnera, Will, Gracie, Frances and Perry Ward, and Malinda, Monroe and Delois Williams, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. E. Needles.

Enc. 1-2.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, August 24, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Peter Hudson et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alenzo, Savannah, Ezra, Elnora, Will, Grace, Frances and Berry Ward, Malinda, Monroe, and Delois Williams as Cherokee freedmen.

Respectfully,

T. B. Neccles.

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-150

COPY.

Cherokee freedmen
D-610

Muskogee, Indian Territory, August 24, 1903

Will Ward,

Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your two minor children, Gracie and Frances Ward, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

E. D. Needles

Enc. D-138

Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen
D-604 et al.

604-605-615-607-616
615-885-619-425-608
610-611-1117-618

Muskogee, Indian Territory, August 24, 1903

Edgar Smith,

Attorney for Peter Hudson et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Bacon, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonso, Savannah, Ezra, Elvora, Will, Gracie, Frances and Berry Ward, Malinda, Monroe and Delois Williams as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

-2-

made known to you as soon as the Commission is informed of the same.

Respectfully,

T.B. Needles.

Commissioner in Charge.

Enc. D-149

Register.

Refer in reply to
the following:
Land.
55270-1904

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

April 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated March 4, 1902, transmitting the record relative to the applications of Peter Hudson, et al, for enrollment as Cherokee Freedmen.

Peter Hudson applied for enrollment of himself; William Hudson for the enrollment of himself, his wife Eliza and their children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson; Peter Ward for himself, his wife Louisa, and his grand-child, Eva Ward; Abraham Ward for himself and his son, Artes Ward; Ben Ward for himself, his wife, Sarah, and their children, Vannie, Martha, Clarence, Neal, and Myrtle Ward; Squire Ward for himself and his minor children, Joseph, Jennie, and Eliza Ward; Sadie Ward for herself; David Ward for himself; Nancy Ward for her husband; George Ward and others who are differently classed and not included in the Commission's decision; Alonzo Ward for himself and his children, Savannah, Ezra, and Elmore Ward and for his wife, Mahala, as an unmarried freedman; Will Will Ward for himself and children, Gracie and Frances Ward; Berry Ward for himself

(2)

Lena Ward for herself and child, Roxie Beeson; Malinda Williams for herself and her children, Monroe and Deleis Williams.

The right of intermarried citizens of the Cherokee Nation to enrollment not having been determined, the Commission did not pass upon the application for the enrollment of Mahala Ward. In a decision dated July 10, 1903, the Commission found that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivery Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward and Roxie Beeson are entitled to enrollment as freedmen, and the other parties to this consolidated case are not entitled to enrollment as such. The evidence in the case shows that Peter Hudson was at the commencement of the late Civil War a slave of Susie Hudson, a citizen of the Cherokee Nation. He went to Kansas during the war, but the evidence satisfactorily establishes that he returned to the Cherokee Nation and took up his abode therein during the year 1866. He is, therefore, entitled to enrollment.

William Hudson is the son of Peter Hudson and Charity Hudson, deceased. His status is the same as that of his father, and it necessarily follows therefore that he is entitled to enrollment, as are also his minor children, Emmet, Levi, Wilburn, Ida, and Ivery Hudson. His wife, Eliza Hudson, nee Ward, claims that she is entitled to enrollment as a freedman. She is the daughter of Abraham and Caroline Ward, the latter of whom is deceased.

Abraham Ward is the son of Peter Ward. It becomes necessary, therefore, to ascertain whether Abraham Ward by himself or through

(3)

his father was the slave of a citizen of the Cherokee Nation, and if so, whether he left the Nation and returned within the time limit fixed by the treaty of 1866. Abraham Ward claims to have been the slave of Jim and Eliza Ward, citizens of the Cherokee Nation. He says that in 1862, after he had been liberated, he went into the Union Army, General Blunt's Division, as a body servant. In June 1901, he testified that he was 55 years of age, therefore, he was born in 1846, and was 16 years of age in 1862. The record in the case does not show that he returned within the time limit fixed by the treaty, therefore, Abraham Ward, and his son Artes, are not entitled to enrollment, and neither is his daughter, Eliza, who is now the wife of William Hudson, unless they are entitled to enrollment by reason of the status of Peter Ward, father of Abraham Ward.

The record shows that Peter Ward was the slave of George Ward, a Cherokee citizen. He went to Mound City, Linn County, Kansas, during the war, and claims to have returned during the year 1866. The preponderance of the evidence, however, shows that he did not return prior to April 11, 1866, and he is not entitled to enrollment as a Cherokee Freedman, neither is his grand-child Eva, unless it be by reason of descent from her grandmother, Louisa Ward, or the ^{mentioned} persons ^A in the Abraham Ward group:

From the record it appears that Louisa Ward, wife of Peter Ward, moved from the state of Georgia, with her husband, to the Cherokee Nation. They appear to have been the slaves of George Ward, a Cherokee. She went to Kansas at the time Peter Ward did and returned at the same time. Her status is, therefore, the same as that of Peter

(4)

Ward, and she is not entitled to enrollment, neither is her grandchild, Eva Ward by reason of descent from her or any of the persons mentioned in the Abraham Ward group by reason of such descent.

Ben Ward is the son of Peter and Louisa Ward. He testified that on June, 1901, he was 43 years of age. He was born therefore in 1858. His father claims to have been the slave of George Ward, and he claims to have been the slave of Jim Ward. The record shows that he went to Kansas with his father and returned at the same time. He did not return within the time limit fixed by the treaty and is not entitled to enrollment. His wife, Sarah Ward, is the daughter of Peter Hudson and her right to enrollment and the right of her minor children, Vannie, Martha, Clarence, Neal, and Myrtle Ward, depends upon their descent from him.

The record shows that Peter Hudson and the members of his family returned to the Cherokee Nation prior to the expiration of the time limit fixed by the treaty of 1866, and the applicants last mentioned are, therefore, entitled to enrollment.

Squire Ward is the son of Peter Ward. He testified in June, 1901, that he was "Forty some odd years" of age. Squire Ward, Joseph, Jennie, and Eliza Ward, are not, as hereinbefore shown with reference to Peter Ward, entitled to enrollment as freedmen by reason of descent from Peter Ward, as the members of Peter Ward's family did not return to the Cherokee Nation prior to February 11, 1867.

Mary Ward, nee Mays, deceased, the record shows, was the daughter of David Mays, and the mother of minor applicants Joseph, Jennie, and Eliza Ward. It is plain that she was a slave in the Cherokee Nation and "belonged to the Whitmires." From the record the

(5)

minor applicants last mentioned do not appear to be entitled to enrollment by reason of their mother being a Cherokee Freedman, or by reason of descent from their grandfather, David Mays.

Sadie Ward is the daughter of Squire Ward, son of Peter Ward. Squire Ward and Peter Ward not being entitled to enrollment, it follows that Sadie Ward is not entitled to enrollment. David Ward is the son of Peter Ward. He was 39 years of age in June, 1901, and his status is the same as that of his father. He is not, under the record, entitled to enrollment as a Cherokee Freedman.

George Ward, for whom Nancy Ward applied, testified in May, 1901, that he was 36 years of age. He is the son of Peter Ward and if he has any right to enrollment as a freedman it is by virtue of the status of his father. His father not being entitled to enrollment, for the reason that he did not return to the Cherokee Nation before February 11, 1867, applicant George Ward is not entitled to enrollment.

Alonso Ward is a son of Abraham Ward, who is a son of Peter Ward. In June, 1901, he testified that he was 35 years of age. He was born after the close of the war, and the record shows that his father, Peter Ward, and the members of his family, did not return to the Cherokee Nation within the required time. Alonso Ward and his children, Savannah, Ezra, and Elnera, are not, therefore, entitled to enrollment as Cherokee Freedmen, and as heretofore stated his wife, Mahala Ward, applied for enrollment as an unmarried citizen, and the Commission has not yet passed upon her rights, if any she has.

(6)

Will Ward is a son of Abraham Ward and grandson of Peter Ward. For the reasons hereinbefore stated, Will Ward and his children, Gracie, and Frances, are not entitled to enrollment by reason of descent from Abraham Ward and Peter Ward. Bell Ward, mother of the two minor applicants last named, is "a state woman," and said applicants are not entitled to enrollment by reason of descent from her.

Berry Ward is a son of Abraham Ward and grandson of Peter Ward. In June, 1901, he testified that he was 23 years of age. Consequently, he was born since the close of the war. His father and grandfather not being entitled to enrollment as Cherokee Freedmen, it follows that he is not entitled to enrollment.

Lena Ward is a daughter of Ben Ward and his wife, Sarah Ward, nee Hudson. Sarah Ward is the daughter of Peter Hudson who was a slave of a Cherokee citizen at the commencement of the war. Peter Hudson left the Cherokee Nation during the war, but returned within the time limit fixed by the treaty of 1866, and is, himself, entitled to enrollment.

Lena Ward, the record shows, was born about 1861, within the limits of the Cherokee Nation. Her mother, Sarah Hudson, being entitled to enrollment and she having lived within the limits of the Cherokee Nation all of her life, is entitled to enrollment as a Cherokee Freedman, as is also her minor child, Roxie Beesen. From the record it appears that William Beesen is the father of Roxie Beesen.

Malinda Williams is the daughter of Abraham Ward and the

(7)

granddaughter of Peter Ward. As she was only 20 years of age in 1901, and as her father, Abraham Ward and her grandfather, Peter Ward, are not entitled to enrollment, she is not entitled to enrollment, and her minor children, Monroe and Deleis Williams, are not entitled to enrollment by reason of descent from her.

William Williams, the record shows, is the father of these children. He is not a Cherokee Freedman and the children are not, therefore, entitled to enrollment on account of the status of their father.

In view of the foregoing it is respectfully recommended that the decision of the Commission of July 10, 1903, wherein it is held that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward, and Roxie Beeson, are entitled to enrollment as Cherokee Freedmen, and that the other parties to the case, whose applications they passed upon, are not entitled to enrollment as Cherokee Freedmen, be approved.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

GAW-D

D C 14391-1904.

COPY

WCF

I.T.D. 3254-1904. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

FHE

April 29, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On August 24, 1903, you transmitted the record in the consolidated Cherokee Freedmen case of Peter Hudson (D-604), et al., including your decision of July 10, 1903, granting the application for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the application for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah, Ezra, Elhora, Will, Gracie, Frances and Berry Ward, and Malinda, Monroe and Delois Williams.

Reporting April 15, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

It appears that the original application included the name of Mahala Ward, for enrollment as a Cherokee Freedman by intermarriage. In your decision you did not pass upon her rights as such.

Your decision as to the applicants included therein, is approved. The record is returned herewith, and it is desired that you

-2-

render a decision as to the rights of Mahala Ward, who applies for enrollment as a Cherokee freedman by intermarriage.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D-804 et al.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Beeson, and rejecting the applications for the enrollment of Equire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Berry, Peter, Louisa, Eva, Abraham, Artes, Alonzo, Savannah, Kara and Elvora Ward, Malinda, Monroe and Delois Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-604.

Muskogee, Indian Territory, May 11, 1904.

Edgar Smith,

Attorney for Peter Hudson et al.,
Vixita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Fannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Berry, Peter, Louisa, Eva, Abraham, Artes, Alonzo, Savannah, Ezra and Elmore Ward, Melinda, Monroe and Delois Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-610.

Muskogee, Indian Territory, May 11, 1904.

Will Ward,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your minor children, Gracie and Frances Ward, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee freedman
R-290

Muskogee, Indian Territory, May 28, 1906.

Will Ward,
Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by
your attorneys September 7, 1905, for a review in your
Cherokee freedman enrollment case, was dismissed by the
Department May 2, 1906.

Respectfully,

Commissioner,

WUP

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,
Minita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

WMP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
Incl. C-2

(COPY)

Vinita. I. T. August 4, 1906.

D.C. 33518

The Honorable,

The Commissioner to the Five Civilized Tribes,
Muskogee I. T.

Dear Sir:

In re:

Motion for rehearing in the matter of the application for the enrollment of Peter Hudson, et al, as Cherokee Freedmen, consolidating the applications of

Peter Hudson, C. F. D. 604,
William Hudson et al C. F. D. 605,
Peter Ward et al C. F. D. 613,
Abraham Ward, et al, C. F. D. 607,
Ben Ward, et al, C. F. D. 616,
Squire Ward, et al, C. F. D. 616,
Sallie Ward C. F. D. 885,
David Ward C. F. D. 619,
George Ward, C. F. D. 425,
Alonso Ward C. F. D. 608,
Will Ward et al, C. F. D. 610,
Berry Ward C. F. D. 611,
Lena Ward et al, C. F. D. 1117,
Malinda Williams, et al C. F. D. 618,

wherein we filed a motion prior to June 26th 1906, for a rehearing in behalf of some members of the Ward family in this case.

We desire to state that on account of the limited time allowed us in which to investigate this case we did not have the opportunity to go into it as thoroughly as we desired and since the motion was filed we have made a thorough examination of this case both in Kansas and in the Cherokee Nation and after a thorough investigation of the case we find that from the standpoint of the applicants, if a rehearing was granted us in this case we would be unable to add any strength to the applicants side of the case.

Abraham Ward informs us that he took his wife to Kansas with him and she did not return until he did and that Amanda Williams certainly must be mistaken. We had Amanda Williams on the stand recently in the Court here and she stated she was born before the war but declared that she was just 24 years of age. Abraham Ward also advises us that he did make a trip down to the Nation in the fall of 1866 together with his father and brothers but did not remain here and that they thought that was a compliance with the treaty and that they did not come again until in the Spring of 1867. The records in Kansas and book accounts at the stores there show them as trading up there for some time after February 11 1867 and the best citizens around Mound City who have not testified in the case advise us that they remember that the Wards were there some time after the 11th day of February 1867, and the people we first interviewed say after thinking the matter over carefully that Peter Wards sons came back to Kansas with him after they visited the Cherokee Nation in the Fall of 1866. The marriage records show a number of them married up in Kansas in 1863 and in 1867.

In view of the situation as we find it and of what Abraham Ward himself now tells us, we do not believe any strength can be added to the applicants case if a rehearing was granted and therefore the motion filed by us in these cases may be dismissed so far as we are concerned or if not in your jurisdiction to dismiss it then we would consent that you recommend that it be denied by the Department.

If motions have been filed by any other Attorneys of course we would have nothing to do with them.

We have just completed a very thorough investigation of this case and have interviewed every person of any prominence around Mound City Kansas who could know anything about the case and after this thorough investigation we deem it our duty to lay this matter before you in the manner that we have so that you might take such action as you deem proper in the case.

Respectfully,

Starr & Patten

1

Muskogee, Indian Territory, August 16, 1906

The Honorable,

The Secretary of the Interior.

Sir:

On April 29, 1904 (I.T.D. 3254-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated July 10, 1903, in the Cherokee freedman consolidated case of Peter Hudson, et al., D 604, et al, wherein the applications for enrollment as Cherokee freedmen of Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abraham Ward, Artes Ward, Ben Ward, Swire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Sadie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elnora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, are rejected. On June 25, 1906, there was filed with this office by Starr and Patten of Vinita, Indian Territory, a motion for rehearing of said case, insofar as it rejected the above named applicants, to which motion a reply of the Cherokee Nation was filed on July 26, 1906.

In their letter to this office of August 4, 1906 Starr & Patten state that after further investigation of the case they find that they would be unable to add any

Secretary-2

strength to the applicants' side of the case if a rehearing was granted, and, for reasons stated in their letter, they consent that their motion for a rehearing of said case shall be dismissed. Said motion for rehearing, the reply thereto by the Attorney for the Cherokee Nation, and a copy of the letter of Starr & Patten of August 4, 1906, are enclosed herewith, and in view of the statements contained in said letter, it is respectfully recommended that the motion be dismissed.

There was also filed with this office on June 25, 1906, by Thomas & Foreman, attorneys, Muskogee, Indian Territory, a motion for rehearing of the applications of "Will Ward and his four minor children and of Alonzo Ward and his three minor children, for enrollment as Cherokee freedmen citizens of the Cherokee Nation."

The record shows that the application of Will Ward for the enrollment of himself and minor children, Gracie and Frances Ward, as Cherokee freedmen, is included in the above mentioned case, and the records of this office fail to show that an application has been made for the enrollment of any children of his other than those two. The application of Alonzo Ward for the enrollment of himself and minor children, Savannah, Kara and Kinora Ward as Cherokee freedmen, is included in the above named case.

Secretary-3.

The reply of the attorney for the Cherokee Nation to this motion was filed with this office July 17, 1906. There is no claim in this motion as to the discovery of new evidence, or as to the nature of the evidence sought to be introduced at a rehearing, and why it could not be secured, with due diligence, when the case was heard before the Commission, nor is it shown that the motion is not made for the purpose of delay. Said motion and the Nation's reply are also enclosed, and it is respectfully recommended that the same be denied.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Cherokee Freedmen
v. 201 et al.

Muskogee, Indian Territory, August 18, 1906

Starr and Patton,

Attorneys for Peter Hudson, et al.

Vinita, Indian Territory.

Gentlemen:

Receipt is acknowledged of your letter of August 4, 1906, referring to a motion for rehearing in the Cherokee freedmen consolidated case of Peter Hudson et al. The contents of said letter have been duly noted.

Respectfully,

L H B

Commissioner

Cherokee Freedmen
R 290

Muskogee, Indian Territory, December 3, 1906

Lambert & Kellough,
Independence, Kansas.

Gentlemen:

In reply to your letter of November 26, 1906, you are again advised that the application for the enrollment of Will Ward and his children, as Cherokee freedmen, was refused by the Secretary of the Interior, April 19, 1904. You are further advised that a motion for rehearing of said case was forwarded to the Secretary of the Interior August 16, 1906, and is now pending before the Department.

You are further advised that the Act of Congress approved April 26, 1906 (34 Stat., 137), in part provides:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application ;

Lambert & Kellough-2

and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: Provided, That the secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December first, nineteen hundred and five, and which was not allowed solely because not made within the time prescribed by law."

Respectfully,

J. M. B.

Commissioner

Land
72347-1906

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 28, 1907.

The honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter (I .T.D. 3254-1904), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated August 16, 1906, transmitting the motions for rehearing together with the replies of the Cherokee Nation relative to the application of Peter Hudson, et al., for enrollment as Cherokee freedmen.

On June 25, 1906, Starr and Patten, attorneys for the applicants, filed a motion for rehearing in the consolidated case of Peter Hudson, et al., in which the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the applications for the enrollment of Peter, Louise, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonso, Savannah, Ezra, Elnora, Will, Gracie, Frances, and Barry Ward, Eliza Hudson, Malinda, Monroe, and Delois Williams as Cherokee freedmen, was approved by the Department on April 29, 1904 (I.T.D. 3254).

1906,

On July 26, a reply to this motion was filed by
W. W. Hastings, attorney for the Cherokee Nation.

On August 4, 1906, Starr and Patten informed the Commissioner by letter that they desired their motion for rehearing dismissed as they had no further testimony to offer on behalf of the applicants which would strengthen their case. A copy of this letter is enclosed.

The Office concurs in the recommendation of the Commissioner that the motion above referred to, be dismissed.

On June 25, 1906, Thomas and Foreman, attorneys, filed a motion for rehearing in the matter of the application of "Will Ward and his four minor children and of Alonzo Ward and his three minor children, for enrollment as Cherokee freedmen."

The application of Will Ward for the enrollment of himself and his minor children, Gracie and Francis Ward, as Cherokee freedmen is included in the case of Peter Hudson, et al., above referred to. The Commissioner reports that he is unable to find any record of an application for the enrollment of any other children of Will Ward than those above mentioned. The application of Alonzo Ward for the enrollment of himself and his minor children, Savannah, Ezra and Elnora Ward as Cherokee freedmen, is also included in the case of Peter Hudson, et al.

The reply of the Cherokee Nation was filed on July 17, 1906.

As the motion for rehearing does not show that new evidence has been discovered, or that the motion is made for any

other purpose than that of delay, the Office concurs in the recommendation of the Commissioner that the motion be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD-C

D.C. 7780-1907

Y.P.

I.T.D. 1848-1907
LRS

DEPARTMENT OF THE INTERIOR, FHB.

Washington,

February 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing in the Cherokee freedman case of Peter Hudson, et al., received with your letter of August 16, 1906, and Indian Office letter of January 28, 1907 (Land 72347-06), are denied, in accordance with the recommendation made by you and the Indian Office. A copy of the Indian Office letter is inclosed.

The papers in the matter have been returned to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 6 for Ind. Of.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
12132-1907
21308- "

March 2, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith motion for review and re-hearing of Departmental decision of February 4, 1907, in denying motion for re-hearing in the Cherokee freedmen case of Peter Hudson, et al., filed in this Office by Kappler & Merrillat, attorneys for Will Ward and his children, who are parties applicant in the consolidated freedmen case of Peter Hudson, et al.

The motion alleges that an injustice has been done the parties in this case, for the reason that their interests have been consolidated with other interests, which are not supported by sufficient testimony, and that these applicants have lost a just right to enrollment by reason of their case having been consolidated with the case of others, and particularly with reference to Abraham Ward.

The motion is supported by affidavits of Cherokee Indians by blood, and others. The Office is of the opinion that the motion should not be granted at this time, and it is therefore recommended that it be denied.

The record in the case is enclosed herewith.

Very respectfully,

C. F. Larrabee

WV-50

Acting Commissioner

(COPY)

D.C.13299-1907.

DEPARTMENT OF THE INTERIOR,

Y.P.

I.T.D.7834-1907.

WASHINGTON.

LLB

L.R.S.

March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing of the Cherokee freedman case of Peter Hudson et al., filed in the Indian Office by attorneys for applicants, is hereby denied, as recommended by that office in letter of March 2, 1907 (Land 21308), copy inclosed.

The papers in the matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inc. and 8 to Ind. Of.

J.M.F. 3/4/07.

Cherokee
F R 290.

COPY

Muskogee, Indian Territory, March 7, 1907.

Will Ward,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in your Cherokee freedmen enrollment case was denied by the Secretary of the Interior February 4, 1907.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

HJC

Cherokee v.
R 281 et al.

COPY

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing filed in the Cherokee freedmen enrollment case of Peter Hudson, et al., was denied by the Secretary of the Interior February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. NJ-24.
HJG

SIGNED *Tams Bixby*
Commissioner.

Cherokee F
R 221 et al.

COPY

Muskogee, Indian Territory, March 7, 1907.

Starr & Patten,

Attorneys for Peter Hudson, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion for a rehearing filed in the Cherokee freedmen enrollment case of Peter Hudson, et al., was denied by the Secretary of the Interior February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Encl. HJ-66
HJC

REFER IN REPLY TO THE FOLLOWING:

Cherokee F
R 290.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 1, 1907.

Will Ward,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys, Kappler & Merrillat, for a rehearing of the Cherokee freedman enrollment case of yourself and children, was denied by the Secretary of the Interior, March 4, 1907.

Respectfully,

Geo. H. Rogers
Acting Commissioner.

LMC

Cherokee F
R 282.

Muskogee, Indian Territory, April 1, 1907.

Kappler & Merrillat,
Attorneys for Peter Ward, et al.,
Washington, D. C.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl.C-102
LMC

Cherokee F
R 282.

Muskogee, Indian Territory, April 1, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a re-hearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl.C-104
LMC

(Copy)

Muskogee, Oklahoma, June 25, 09.

Commissioner to the Five Civilized Tribes,
Muskogee, Oklahoma.

Dear Sir:-

You are hereby notified that J. Milton Turner and Louis T. Brown are authorized to represent me in all matters pertaining to my enrollment as a Freedman citizen of the Cherokee Nation, and the selection of whatever lands may be due me for my children. No other person is authorized to represent me.

Very respectfully,

William Ward

Alonzo (his x mark) Ward.

Witnesses to his mark:

Box 875, Muskogee.

Bertha Robertson

J. Orlando Mitchell.

Com. to Five Tribes.
No. 15523-1909,
Rec'd June 26, 1909.

11961

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

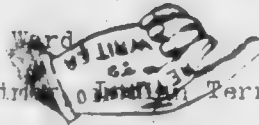
OFFICIAL BUSINESS.

Penalty for private use, \$300.



Will. Ward

Widow of William Territory.



NOV 4 - 1903



Cher. Fr. R- 291

See Cher Fr. R-283-281, 290-2 - #1333

Cher. Fr. R- 291

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8, 1901.

In the matter of the application of Berry Ward for the enrollment of himself and wife as Cherokee Freedmen.

Appearances:

Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Berry Ward, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Berry Ward.
Q How old are you? A About 23.
Q What is your post office address? A Wimer.
Q What district do you live in? A Coowesscoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A My wife.
Q What is your wife's name? A Bessie McNair.
Q How old is she? A 18.
Q Is she a citizen? A Yes, sir, her father is a citizen.
Q Is her father's name on the roll of 1880? A I don't know sir.
Q What is her father's name? A Butler McNair.
Q What was her mother's name? A I don't know, her mother is dead.
Q Where were you married to Bessie McNair? A (hands Commissioner paper.)

Commissioner: Applicant in answer to the question, presents a marriage license and marriage certificate, certifying that he was married to one Bessie McNair on the 4th day of April, 1901, according to the laws of the United States, said marriage license being issued by the Clerk of the United States Court for the Northern District, Cherokee Nation.

Q Who is your father? A Abram Ward.
Q Is he alive? A Yes, sir.
Q Is he the Abram Ward that has just been listed for enrollment?
A Yes, sir.
Q Where were you born? A In the Cherokee Nation.
Q Where have you lived all your life? A On Big Creek.
Q Never lived anywhere else? A No, sir.
Q Got no children? A No, sir.
Q What proof have you got of your wife's citizenship? A Her father has never been enrolled yet.
Q He isn't on the 1880 roll, is he? A No, sir.
Q Well, we can do nothing with her until her father is enrolled, and gets it straightened up. Is he here? A Yes, sir, he is here.

Commissioner: The applicant withdraws the applicant for the enrollment of his wife.

Q Is your name on the 1880 roll? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A On the Kern-Clifton roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1888 census roll examined, and the applicant not identified thereon.

The Kern-Clifton roll examined, and the applicant identified thereon, page 185, No. 3121, Coowesscoowee district.

The Wallace roll examined and the applicant identified thereon, page 152, No. 3167, Coowesscoowee district.

Commissioner: Berry Ward applies for the enrollment of himself. He avers that he is the son of Abram Ward, who is listed for enrollment on Card D-607, and the testimony in

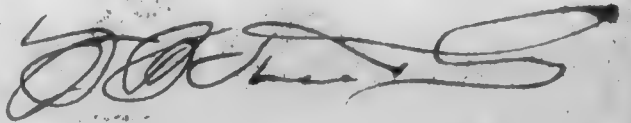
Barry Ward - 2.

the said case of Abram Ward will be made part of the record in this application, and a copy of the testimony will be filed with the case of the applicant. He is duly identified upon the Kern-clifton and Wallace rolls, and makes satisfactory proof of residence, consequently he will be listed for enrollment as a Cherokee Freedman, awaiting further consideration of the Commission. He will be notified by mail of the action of the Commission on his application.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 15th of June, 1901.



Commissioner.

File with Perry Ward C.F. 10610.

Mallette & Smith, for applicants.
W. W. Hastings for the Cherokee Nation --

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8th, 1901.

In the matter of the application of Abraham Ward for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner P. B. Needles, testified as follows:

Q What is your name? A Abraham Ward.
Q How old are you? A 55.
Q What is your postoffice address? A Wymor.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A One boy
Artes Ward.
Q How old is he? A 12 years old.
Q Are you a recognized Cherokee freedman? A In part I am.
Q Is your name on the 1850 roll? A No sir.
Q Is it on any of the rolls? A The Kern Clifton and on the
Wallace roll.

The 1850 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1850 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kern Clifton roll examined and the name of the applicants found thereon as follows:

Page 125, No. 3117, Abraham Ward, Cooweescoowee district.

Page 125, No. 3124, Artes Ward, Cooweescoowee district.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 152, No. 3152, Abraham Ward, Cooweescoowee district.

Q Where were you born? A On Batties' prairie.
Q In the Cherokee Nation? A Yes sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Jim and Eliza Ward.
Q Were they Cherokee citizens? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A No, sir, after I was liberated I went into the Government service.
Q Where did you go? A In '38 I went into the United Army.
Q What regiment? A Blount's Division.
Q Where did you enlist? A I didn't enlist, I was working for the officers, body servant.
Q Where did you go? A Went to Oak Hill, Arkansas, waited on the officers and after that I drove a Government team.
Q When did you return to the Cherokee Nation? A In the Spring of '60.
Q Have you lived here continuously ever since? A Yes sir.
Q Are you married? A Yes sir but my wife is dead.
Q Was she the mother of Artes? A Caroline.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A The Adams.
Q Is her name on the 1850 roll? A No sir.
Q Was her name Caroline Adair before you married her? A Yes sir.
Q When did you marry her? A In '65.
Q Where? A Up in Kansas.
Q Did you return with her? A Yes sir, I came up down and then went
back to the roll and brought her.
Q How much of a family did you have then? A Three.
Q Were they born here?

Q Did you live with Caroline until her death? A Yes sir.

Q Who were your owners? A Jim and Louisa Ward.

Q And they were Cherokee citizens were they? A Yes sir.

By Mr. Mellette:

Q Have you a place on the Public Domain of the Cherokee Nation?

A Yes sir.

Q How long have you owned it? A Since '66.

By Mr. W. W. Hastings: The above question as to owning a place is objected to by the representatives for the Cherokee Nation because it does not tend to prove the issue.

By Mr. Mellette:

Q You have never lived out of the Cherokee Nation since your return in '66? A No sir.

By Mr. Hastings:

Q Your father was Peter Ward? A Yes sir.

Q Are you his son? A Yes sir.

Q Are you his oldest son? A Yes sir.

Q You went to Mound City Kansas didn't you? A Yes sir after I quit driving Government teams.

Q That is in Linn County? A Yes sir.

Q I you know Gusky Brown? A Yes sir.

Q Did you see him in Kansas? A Yes sir.

Q What year did you see him there? A I think it was in '67.

Q You knew Joe Ward? A Yes sir we was raised together.

Q He was your young master? A Yes sir.

Q You saw him in Kansas too didn't you? A Yes sir in '65 when I was driving a Government team he come to our house.

Q Was that after or before the war closed? A Same year that the war closed, I saw him in Mound City and he went up to my father's house. I was living with my father.

Q You were not married then? A No sir, married directly after.

Q What year did you marry? A In the fall of '65, after he was up there.

Q How old is your oldest child? A He is 33 I think it is according to my judgment.

Q What time in the year was that oldest child born? A In September

Q Was he 32 last September or this coming September? A This coming September.

Q That is your best judgment? A Yes, sir.

Q Did you come back with your father, Peter Ward? A No sir not the first time I come.

Q Didn't you testify before that you come back with your father?

A No sir, I went to Fort Gibson the first time and the next time I come down with him.

Q How long after that did you come down again with your father?

A The same year, I come to Fort Gibson in the spring and come back to Kansas and back here again in the fall, with my father.

Q You had married then? A Yes sir.

Q You come down the last time in November? A Yes sir.

Q Who come with you that first time? A Jim Mosley or Rogers.

Q Come through on horse back? A Yes sir.

Q How long did you stay here then? A Staid a considerable time, had kin folks there.

Q What? A Berry Mays and Mr. Mays.

Q Well how long did you stay there? A About a month or so.

Q How long after that did you come with your father? A In November

Q You located permanently that last time? A Yes sir, but I was on Big Creek when I went back from Fort Gibson to Kansas the first time.

Q How far did you locate from Snow Creek? A 1, 10 or 12 miles.

Q What direction from the mouth of Snow Creek? A Northeast.
Q How far from the Kansas line? A About 8 miles south.
Q Who was living there in that country then when you went through from Fort Gibson to Kansas? A Sam Webber, George Meigs, Peter Meigs, old man Sam Webber.
Q Had they houses there then? A Yes sir.
Q Had they made a crop of corn that year? A Not much, there was a drought there, that was when I went up the first time.
Q What time was it when you went up? A In August.
Q Did Sam and his daddy have a crop of corn in? A Not much, sort of a patch.
Q That was in 68? A No sir.
Q Your young master Joe Ward testified that he saw you there in '67? A I was traveling up there through that country and saw him the year of the war closing, because he went to my house with me.
Q Did you ever see Will and John Ward or any of your young masters since the war? A Yes sir.
Q Where? A On Big Creek.
Q When? A I had been there about two years.
Q Did you locate right on the place where you now live? A Yes sir.
Q And have lived there ever since? A Yes sir.
Q Is your father living? A Yes sir.
Q He lived there with you? A Yes sir.
Q What Cherokees are living along there? A Albert Morris.
Q Was he living there when you come? A No sir.
Q How far was Jim Martin living from there when you come there? A No sir, he was not living there and the Delawares were not living there either then.
Q You anticipated that question didn't you? A I know they was not living there then.
Q What made you answer that question before I had asked it? A I heard some of the people saying that they was up there then and I am telling you right. I thought it was coming and I was going to tell you about it.
Q Where did you get anything to eat that fall? Get it from these Webbers and Sanders? A We brought some along with us.
Q Do you know Jess Brown and Tecumseh? A Yes sir.
Q They were up in Kansas looking after some pension matters weren't they? A I don't know.
Q Was Sam Webber living in a house up there? A Yes sir.
Q Who did you stay all night with up there? A With Peter Meigs.
Q That was in August? A Yes sir.
Q 1868? A Yes sir, latter part of August.
Q Did old Peter Meigs have in a crop there then? A Yes sir a little one.

By the Commission:

Q Why is your name not on the 1880 roll? A I don't know, the census takers didn't come there.

Q Did you ever apply to have your name enrolled? A No sir; the reason I didn't was because several men went down there and tried it and come back and said that it was not necessary to go down there as we was not enrolling us people.

L. D. DANIELS, called and sworn as a witness before Com'r T. B. Needles, testified as follows for the applicant:

By Com'r Needles:

Q What is your name? A L. D. Daniels.

Q What is your age? A 64.

Q What is your postoffice address? A Claremore.
 Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A I got acquainted with him in the fall of '66.
 Q Do you know if he was a slave? A No sir I dont.
 Q Where did you see him in the fall of '66? A At Fort Gibson.
 Q Have you known him ever since that time? A I saw him after I moved up here to Cooweescoowsee.
 Q How did you happen to see him in Fort Gibson in '66? A He come to Amanda and Rube Adairs and was going to take them away and I asked him what he was going to do with them, and he said he was going to take them to his people.
 Q You had never seen him before that? A No sir, he was a stranger to me then.

By W. V. Hastings:

Q He was a stranger to you in '66? A Yes sir.
 Q You had never seen him before that? A No sir.
 Q You didn't witness for him before the Kern Clifton Court did you?
 A No sir.
 Q Do you know how long he staid in Fort Gibson that time? A No sir I dont.
 Q What time did you see him there? A In the fall.
 Q What time in the fall? A First part of September or the last part of August, somewhere along there.
 By the Commission:
 Q How did you know it was in '66? A Because I was living right there and notices all the girls that come in there.
 Q You was a young man then? A Yes sir.
 Q You was a government officer also wasn't you? A Yes sir.

SAM WEBBER, called and sworn as a witness by Com'r Needles, testified as follows:

Q What is your name? A Sam Webber.
 Q How old are you? A 68.
 Q What is your postoffice address? A Nowata.
 Q Are you a recognized Cherokee Freedman? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A Got acquainted with him in Kansas during the war.
 Q Do you know when he returned to the Cherokee Nation? A In the fall of '66 was when I first remember seeing him in the Nation.
 Q Where did you see him? A On Big Creek.
 Q He come up there to live? A Yes sir.
 Q Did he have his family there with him? A Yes sir he had his family with him.
 Q Did you know if he was a slave in the Cherokee Nation before the war? A Only what he told me.
 Q Have you known him ever since? A Yes sir.
 Q Has he lived in the Cherokee Nation continuously ever since?
 A Yes sir.

By W. V. Hastings:

Q He settled there right in the fall of '66? A Yes sir, frost was falling.
 Q How long before had you and your family been there? A Not long, I moved down there a short time before that.
 Q About how long before that? A I cant just tell, not a great while.
 Q A month? A Must have been a month, I don't remember exactly.
 Q Are you prepared to swear positively that all these people came

down there 35 years ago, in '66? A Yes sir all those I am acquainted with that come.

Q How far did this man live from you then? A 4 miles.

Q He has lived there ever since? A Yes sir.

Q You know he was living there in '67? A Yes sir.

Q You know he was living there in '68? A Yes sir.

Q You are willing to swear that he has continued to live there continuously ever since '66? A Yes sir.

Q Did you know his father? A Yes sir.

Q What was his name? A Peter Ward.

Q He come with his father did he? A Yes sir they come together.

Q And settled in the same neighborhood? A Yes sir.

Q What place in Kansas did you come from? A Linn County, same place they come from.

Q Mound City? A Yes sir.

Q Did you know them there? A Yes sir.

Q Did you go back up there directly after you come down here and settled? A No sir.

Q Did you go back there in '67 or '8? A No sir.

Q Was this man married when he come down there? A Yes sir.

Q Was his wife with him? A Yes sir.

Q How many children did he have then? A I can't tell you how many he had, but he must have had as many as two or three. I can't tell.

Q Did he have any? A If he did, I don't know it.

Q You know he was married though? A Yes sir.

Q Did he live with his father when they first came there? A They both camped there close together.

Q Did they make separate homes? A Yes sir.

Q Had you made a crop there when he come? A No sir.

Q None of you had crops in then did you? A No sir, couldn't, hadn't been there long enough.

Q About how far did they locate from the Kansas line? A I don't hardly know.

APPLICANT recalled and examined by W. W. Hastings:

Q You saw Will and John Ward directly after Will got into trouble did you? A Yes sir I saw Will, he come to my house.

Q You had a talk with him? A Yes sir.

Q You told him where you had been? A No sir, not exactly as to where I had been.

Q Talked about old slavery times? A Yes sir.

Q Told him when you had come back? A No sir that question was not asked.

Continuation of the above application reported by B. O. Jones.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this 10th of June, 1901, at Nowata, I.T.

Signed, T. B. Needles,
Commissioner.

(Continued from testimony taken by Stenographer Chas. von Weise, June 8, 1901.)

James L. Jones, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A George Maigs.
- Q What is your age? A I don't know exactly, about sixty some odd.
- Q What is your postoffice? A Wimer.
- Q Are you a recognized Cherokee Freedman? A Yes sir.
- Q Your name on the 1880 roll? A No, sir.
- Q You made application to be enrolled? A Done been enrolled, all excepting two witnesses.
- Q Do you know Abram Ward, the applicant here? A Yes, sir.
- Q How long have you known him? A Ever since he moved on Big Creek.
- Q Do you know whether he was a slave before the war? A Yes, sir, he was a slave.
- Q Who did he belong to? A Belonged to a man they called George Ward.
- Q Do you know whether he went out of the Cherokee Nation during the war or not? A Yes, sir.
- Q Where did he go? A Went up to Fort Scott.
- Q Did you see him? A No, sir, I just met him up there.
- Q Do you know when Abram Ward, the applicant, returned to the Cherokee Nation? A Why I don't know exactly.
- Q When was the first time you saw him after the war? A Why it was in the fall of '66.
- Q Where did you see him then? A On Big Creek.
- Q Was he living there? A Well, he has been there ever since.
- Q Was he living there then? A When I saw him, why he just came.
- Q Did he have a family with him when he came? A Yes, sir.
- Q How many children did he have? A Well, I can't hardly tell you.
- Q Have his wife? A Yes, sir.
- Q Was he camping there, or had he built a house? A Well, he came in and camped, and built a house.
- Q Have you known him since that time? A Yes, sir.
- Q Has he always lived in the Cherokee Nation since '66, to your knowledge? A Yes, sir.
- Q You were taken out during the war, were you? A Yes, sir.
- Q Did you return with Abram Ward? A I returned just a little before he did.
- Q You saw him here in '66 in the fall? A Yes, sir.
- Q Mr. Hastings: How long had you been back when you saw Abe? A I can't know exactly.
- Q A year or two? A I hadn't been back a year, no, sir.
- Q Well, had you put in a crop that year you came back? A No, sir, I hadn't then.
- Q Did you have any corn in when he came? A No, sir.
- Q Any potatoes in? A I had a patch started to clear out.
- Q But you had no corn on it? A No, sir.
- Q You didn't plant any that year? A We didn't plant any till it got time to plant it.
- Q But had you planted any when this man came down here? A No, sir.
- Q George, you don't know anything about dates, years? A No, sir, I don't.
- Q You don't know one year from another? A No, sir, I don't know, of course I am got got no education.
- Q Where did you live before the war? A Well, now I lived in the Cherokee Nation before the war.
- Q What place in the Cherokee Nation? A Well, as near as I can tell you to tell you the truth, I lived east of a little town they called Dutch town in a big hill, west of it.
- Q Who did you belong to? A Belonged to a man they called Nathan

Daniels and Lila Daniels.

Q How far was that from Beattie's Prairie? A It wasn't a great ways, I don't know.

Q What direction was Beattie's Prairie from where you lived? A To my judgment, it must have been kinder north, , near about north.

Q You were up there before the war, were you, Beattie's Prairie?

A No, sir, I don't know that I have ever been to the place.

Q When did you first see Abe? A The first time I saw Abe to recollect him was at Fort Scott.

Q During the war? A Yes, sir.

Q Then you never saw him before the war? A No, sir.

Q You don't know of your own personal knowledge who he belonged to?

A Of course I don't, but I know what he says, who he belonged to.

Q You swore a while ago he belonged to George Ward? A That is what I told you his owner was.

Q You don't know that? A No, sir.

Q You are the son of Peter Meigs? A Yes, sir.

Q Peter Meigs went down before the court to have himself and family enrolled? A Yes, sir.

Q Did you go along with him? A No, sir.

Q He is dead? A Yes, sir.

Q He didn't get enrolled? A No, sir.

Q He has been refused by the Cherokee Nation? A Yes, sir.

Q You know this man, the applicant, has been refused all the time?

A Yes, sir.

Q To the best of your judgment, how many children did he have when you first saw him there, after the war? A I can't hardly tell you; I know all his children: he had one to my judgment.

Q But you don't know how many more? A No, sir.

Q What was this child's name? A Named Lon.

Q He stayed right near you? A Yes, sir.

Q He came down with his father, didn't he, Peter Ward? A Yes, sir.

Q They all came down together and stayed up there? A Yes, sir.

Q I want to know if you are positive about the year that they came in? A Yes, sir.

Q They have lived there continuously ever since that year they came? A Yes, sir, ever since.

Q They never went back to Kansas and left up there? A I believe the old man went back once or twice for grub.

Q Not up there to live? A No, they never went up there to live.

Q Are you willing to swear positively about the year they came?

A Yes, sir.

Q That was in 1866, was it? A Yes, sir, '66 was some.

Q Was it 1866? A I can't say whether it was eighteen hundred or not.

Q You are not positive about that? A I can't tell you anything about the dates, and I didn't suppose I would have to know anything about '66 like I do, but my daddy was rushing to get down there to get a place for he said for his children.

Commissioner: Your daddy knew he had to be there in '66 did he?

A Yes, sir.

Commissioner: Abram Ward applies for the enrollment of himself and his son Artes. He is not identified upon the authenticated roll of 1860 or the census roll of 1890 from an examination of the same, but he is identified upon the Kern-Clifton and the Wallace rolls. His child Artes is also identified upon the Kern-Clifton roll. He swears that he was married to one Caroline Adair, who is now deceased, and makes satisfactory proof as to said marriage. Now Abram Ward and his child Artes will be listed for enrollment as Cherokee

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xx Freedmen on a doubtful case, awaiting further consideration by the commission. He will be duly notified by mail at his post office address at the decision of the Commission, when arrived at.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 10th day of June, 1901.

Signed, Bruce G. Jones,
S. J. Leake,
Commissioner.

Exhibit

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce G. Jones

Sworn to and subscribed before me this 10th day of June, 1901.

[Signature]

Commissioner.

File with Cherokee Freedmen D-611, Berry Ward

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

C. W. KINGSBURY, being duly sworn by Commissioner Needles, testified as follows:

Mr Hastings: What is your name? A C. W. Kingsbury.

Q What is your age, Mr. Kingsbury? A I am 47 years this fall.

Q What is your postoffice address? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City? A Ever since the 13th day of August, 1861.

Q Were you living there in 1865; you have lived there ever since, you say? A Yes, sir, lived there continuously ever since, made that my home.

Q What was your father's name? A My grandfather's name was Durbin.

Q Did you know a colored man in Mound City, Kansas, by the name of Peter Ward? A There was one lived there, yes, sir, by that name.

Q Did you know any of his children? A Yes, sir.

Q Name some of them? A There was Abraham, Berry, Mark, Miner, Squire, Eliza, Ben, Dave, Clint, George; that is all I can remember of them.

Q When did you first become acquainted with this family of Wards?

A In the fall of '65.

Q Where were they then? A They lived on a place west of ours.

Q How far was that from Mound City, Kansas? A That was three miles, it is three miles to my place and their place joined right west of ours.

Q Joined your place on the west? A Yes, sir, their place cornered with ours on the northwest.

Q How long did they continue to live from '65 in that immediate vicinity about Mound City? A From '66, in the fall of '65 I think, and then in the next spring they moved, taken a lease on the old gentleman's place, my grandfather's.

Q What was his name? A Amos Durbin.

Q That was in the spring of '66? A In the spring of '66 they moved onto our place.

Q When you say our place you mean your grandfather's? A Yes, sir, I mean the Durbin farm now, it is where I live now.

Q Now how long did they continue to live on that farm? A They took a lease on our place for four years, to clear up some timber lands, and they lived there three years and in the fall of '69 the old gentleman left, that is, he said he was going down to this country, that was in the fall of '69, and the remaining year of the lease, he wanted the old gentleman, that is Mr. Durbin, to let one of his boys live there the year of the lease out, and Mr. Durbin told him that he was welcome to stay on the place till his time was out, but he didn't want him to sub-rent to anybody, and Peter Ward said all right.

Q They gave up the last year? A Yes, sir, they gave up the last year.

Q And they lived there for three years from '66, as I understand it? A From '66 to the fall of '69.

Q Was there a barn built on the Durbin farm in the meantime? A There was a stone barn built there in '66.

Q How do you know it was built there in '68; have you anything else besides your own memory? A Yes, sir, the boss mechanic, A. J. Rahney, on finishing the work he placed a rock up over the door with his initials and the year it was erected in.

Q Do you know whether these people were there after the building of this year or not, living there? A Yes, sir.

Mr. Mellette: I think that is a very leading remark.

Q Well now how do you know it? A Mr. Ward was farming our place besides this land, he stored some wheat on our place and he stored some wheat and in the fall of '69 he left some wheat in our barn and the next spring he came and got it.

Q You know where he was the next spring, where he was living? A He said he had moved down to this country, that is what he said and we supposed he had.

Q Have you seen him since? A I have not; one of his boys was back there since, Abe, but what year I don't remember.

Q What is your occupation? A I am farming and stock raising.

Q You have mentioned a number of Peter Ward's family; did they all leave when Ward left, or about that time? A About that time; I can't say for sure whether the older boys left a short time before or a short time after, but I remember Uncle Peter going away at this time that I spoke of.

Q You remember Abraham Ward living there? A Yes, sir, he lived there every time when he was there, the boys were all at home on the place there.

Q Is your grandfather, Durbin I believe, is he alive? A Yes, sir, he is living, he is quite an old man, he is 88 years old.

Mr. Mellette: I didn't get your name? A C. W. Kingsbury.

Q What is your postoffice? A Mound City, Kansas.

Q How old are you? A I am 47 this fall.

Q How old were you in '66? A In '66 I was 12 years old, I was born in '54.

Q Did you, as a 12 year old boy, pay much attention to dates?

A What do you mean, in what way do you mean?

Q Well I mean exactly what I said? A Well this time that I spoke of, of knowing when Uncle Peter took this lease on our place; this place that he moved onto our place from belonged, when he took the lease on that, to a man named Corbin, and he built a house.

Q Now are you going to answer my question? A Yes, sir, what is it?

Mr. Hastings: If you want to tell him how you get at this date, go on and tell him.

Mr. Mellette: I asked you if, as a 12 year old boy, you paid very much attention to dates? A I remember that distinctly.

Q When were you first asked to appear as a witness in this case?

A I think there was a gentleman at my house twice, the last time I don't remember when, but I think it was along the last days of last month.

Q How long was it after Peter Ward and his family left Kansas, that that man came to you and asked you about these facts? A It was from '69 until 1901.

Q How long is that? A From '69 would be 32 years, if I am not mistaken.

Q Do you remember back then 32 years to the time when you were a 12 year old boy and remember the years that these colored people leased the land? A I do.

Q And when they moved off? A Yes, sir.

Q Where were you living at that time? A I must have lived on the place, I was living the same place I live now, three miles west of Mound City, in Lyon County, Kansas.

Q Is that the only date you can remember about things that took place in those days? A No, sir.

Q You have lived in one spot all the time? A I have lived continuously, that has been my home on that farm since '61.

Q What impressed the fact on your mind as to what these people lived on that land? A As I said, Mr. Ward was living on that land

belonged to Corbin and he had put up a house there, a log house, he wanted to move that house over onto the old gentleman, my grandfather, and my grandfather objected and told him he had better go down in our timber and cut logs and built a house.

Q You know of that? A Yes, sir.

Q You remember that conversation 32 years ago? A Yes, sir.

Q You are giving the exact conversation that you heard 32 years ago?

A I remember the contract and the conversation.

Q Were you a business man at that time? A Well, I wasn't, I don't suppose, considered so legally.

Q Did you conduct business at the age of 12? A In the way of leasing land I didn't, and Mr. Alexander came out from Indiana in the fall of '65 and bought the land then, this land that this gentleman, Mr. Ward, lived on, and then in '66 P. D. Alexander moved on the farm and lived there until the time of his death.

Q Now is it not a fact that Peter Ward and his family left your grandfather's place in '66 because they understood they could get a home here by coming in 1866, that they departed at that time? A I don't think it is.

Q Well, what do you mean by saying you don't think it is? A Well I mean that he lived three years of this lease out there on the farm, that is, living three years on the farm.

Q Was there any particular reason for your remembering that for 32 years, the time that these people when on your grandfather's farm?

A The thing that calls the memory to the time was the fact that Alexander bought the place.

Q And you remember the year he bought the place? A Yes, sir.

Q Do you remember this by talking to your grandfather or somebody else or have you retained it in your own memory? A I have retained it in my mind, by talking to Alexander during his life time.

QQ You have retained it by talking to Alexander? A Yes, sir.

Q You are testifying by what Alexander told you? A I know he came there in '66.

Q I want to know if you are testifying about these dates by what Alexander told you? A I am not.

Q What made you say you remember it by talking to Alexander in his life time? A I remember him moving there in '66 same as I remember I moved to Kansas in '61.

Q Then if Peter Ward and Abraham Ward and the rest of the Wards swear they left Kansas in '66 they are mistaken, are they? A I don't know what they testified to..

Q Who else lived on your grandfather's place after the wards moved off? A At the time they lived on the place there, at one time, not all the time, there was a man by the name of Anderson Turk.

Q When did he move on the place? A He moved on the place sometime in '65, he had been on the place I think a year.

Q When did he move off? A He moved off the place, let's see, about '75.

Q Well, are you swearing he moved off in '75? A He moved up north and bought a place up north, he lived on the place 12 years and moved there in '85.

Q What year did he move off? A About the year 1875.

Q You swear that, do you? A Yes, sir.

Q Who lived on the place besides that man? A Why George Brown lived there.

Q When did he move on the place? A He didn't rent, he just simply rented a room from Anderson Turk and lived there.

Q When did he rent the room? A Why it was sometime, it was in '67 or '8, I am not sure which.

Q Well, which is it, '67 or '8? just as much reason for you to remember that as there was about Peter Ward?

Mr. Hastings: Don't argue that question.

Q What year was it that that man lived on the place? A '67 or '8, I am not sure which.

Q Why don't you remember, if you can remember that Peter Ward moved

on the place and when he moved off? A Brown lived there just a short time and by permission of Anderson Turk.

Q When did he live there? A I think one winter.

Q You don't know when he went on and when he went off? A In the fall season he went in and just wintered there one winter.

Q Who lived on this place in 1876? A There was no one in '76, nobody then but our own folks.

Q Who cultivated it? A The old gentleman.

Q Anybody else ever live on that place? A How do you mean, since '66? A Yes, sir, since '66? A Yes, I think Uncle Ben Ward lived on the place.

Q When did Ben Ward live on the place? A He lived on the place I think it was, let's see, about '87.

Q Now was it about '67, or was it '67? A I am not sure whether it was '67.

Q Why can't you remember when Ben Ward lived on the place? A I am pretty sure it was '67 when he lived on the place.

Q Do you swear positively it was '67 when he lived on the place?

A I am pretty sure of it, I am not positive.

Q Might have been '66? A No, it wasn't '66, because my recollection is that he moved on the place after Uncle Peter did, took another lease.

Q It was '67 then? A Yes, sir.

Q Might have been '68? A Yes, it was either '67 or '68, was either of the two years, it was a year after Uncle Peter moved.

Q You want to be understood as swearing positively that Uncle Peter Ward moved on the place in '66? A Yes, sir, spring of '66.

Q And you were a 12 year old boy at the time? A Yes, sir.

Q Don't you think you have a remarkable memory? A I never considered my memory as anything extra.

Commissioner: Mr. Kingsbury, Mr. Hastings asked you your father's name and you gave your grandfather's name; why did you not give your father's name when he asked you? A My father was in California and my grandfather raised me, I have been living with him ever since I was 7 years old, ever since; my father is dead now.

Mr. Hastings: I had talked to you about your grandfather's place?

A Yes, sir, that is the place that I live on now, and this family lived on is my grandfather's now, he is still living, he is quite an old man.

BYRON OSBORN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Byron Osborn.

Q Mr. Osborn, how old are you? A 49 years old.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City, Kansas? A Well sir, my father settled there in '54, March 20.

Q Have you lived there since that time? A Well, that has been my home, I have been away a year or so at a time, was back in Illinois a couple of years and I was out in Colorado about the mountains about 12 or 14 months.

Q Well, where were you the three or four years after the war? A I was on our place, home.

Q How far was your place from Mound City, Kansas? A Three miles.

Q What direction? A Southwest.

Q How far was that from the Durbin farm? A Well, it is about two miles and a half I should judge.

Q Do you know Mr. Kingsbury, who has just left the stand?

A Yes, sir.

Q Is a grandson of Durbin? A Yes, sir.

Q Did you know a colored man by the name of Peter Ward? A Yes, sir, I used to know Mr. Ward.

Q Did you know any of the members of his family? A Yes, sir.

Q Give me the names of some of them? A I know of Abe and I know Berry and I know Squire Ward, that is about all that I know, he had

other children but I wasn't acquainted with them, I think he had some girls I wasn't acquainted with.

Q When did you know them? A Well, sir, it was along I think the latter part of summer, they lived in there.

Q About how long did you continue to know them? A Well, the best of my recollection is that I knew them I think probably eight or nine or ten years.

Q I mean did you know them after the war? A Yes, sir.

Q How long after the war did you know them? A Well, I should judge it was, to the best of my recollection, I think it was probably five or six years after the war, four or five maybe, sometime after the war, but I can't state how long.

Q Do you know where they were living? A Yes, sir.

Q What place? A They were living on Mr. Durbin's farm.

Q Do you remember where they went when they left there? A Well I don't know positive, only I have understood they came to the Indian Territory.

Mr. Mellette: How old are you? A 49 years old.

Q How old were you when the war closed? A Well I guess I was about 12 or 14 years old.

Q Now who did you first talk to about knowing anything about these people? A Mr. Keys.

Q Mr. Keys came up into Kansas, didn't he? A Yes, sir.

Q Found you? A Yes, sir, he asked me did I know the Wards and I told him I did.

Q Well was that the first time that anybody had ever talked to you about when the Wards left that country? A Yes, sir.

Q What has been about 32 years ago, hasn't it? A Well it has been a long while, I don't know just how long.

Q You were a boy about fourteen years old? A Yes.

Q Do you think you can remember back to your boyhood days and swear positively when Peter Ward left that country? A I don't swear positively.

Q How far do you swear positively? A Well I know that he was there sometime after the war.

Q You know he was there sometime after the war? A Yes.

Q Can you remember the events and the succession of facts as they happened thirty years ago when you were a boy? A Well some things I can.

Q Well, do you think this is one of the things? A Well I remember that Mr. Ward lived there, he had a boy by the name of Abe who used to work for my father sometime after the war, he worked on our place, but I can't say positively what year it was.

Q You don't know when he worked on your father's place? A I don't know what year it was, it was sometime after the war, quite a while.

Q And you don't know when he moved to Mr. Durbin's place? A No, sir.

Q Can't you remember the year he worked on your father's place? A No, sir, not positive.

Q When did they stop fighting up there in Kansas? A Along about, I think the last fight they had was when Price went through, I think the latter part of '66 or '65, along there.

Q '66, was it? A Yes, '65.

Q You say they had a fight up there the latter part of '65, that Price went through there? A No, I didn't say '65.

Q The latter part of '66 or '65? A The latter part of '66 or '65.

Q The latter part of '66 or '65, you say that? A I saw either the latter part of '66 or '65, sometime along in there that Price went through there.

Q Don't you know that Price made his raid through there in '63? A No, I don't hardly believe he did.

Q And don't you know that General Lee surrendered to General Grant in April, 1865, and that there wasn't any fighting any place after April, '65? A Well it might be, but the war wasn't closed entirely

till about '65.

Q Yes but you say Price made his raid through there in '65 or '66?

A I meant '64 or '5.

Q What made you change? A Well, I just made a mistake.

Q Who talked to you after you came? A Nobody.

Q Well Mr. Hastings here consulted you, didn't he? A He asked me some questions.

Q Was Mr. Kingsbury present? A Yes, sir.

Q Who else was present? A There was lots of gentlemen there.

Q All you witnesses who came down in that case were present and talked to together? A Well they asked me some questions.

Q Now when you were being consulted you and Mr. Kingsbury and the other witnesses in this case were all sitting in the room and heard what went on here? A I think maybe I did hear a part of Mr. Kingsbury's testimony, I wasn't in there all the time, I don't know anything about when Mr. Ward left that country, I can't swear positive, but I am satisfied that he was there several years after the war closed.

Q But then if you think that Price made his raid through there in '65 or '66 you may be mistaken when the war closed? A I meant '64 or '65.

Q Do you say that Price did make his raid through there in '64 or '5? A I wouldn't say positive.

Q You wouldn't say positively about that? A No, it seems to me it was in that time.

Q You were a boy? A Yes, I was a boy.

Mr. Hastings: You were summoned here as a witnesses on the part of the Cherokee Nation, weren't you? A Yes, sir.

Q I consulted you with a number of other witnesses down there?

A Yes, sir.

Mr. Mellette: How were you summoned here on the part of the Cherokee Nation? A By subpoena.

Q Who served the subpoena on you? A Mr. Campbell left it at my farm.

Q Who is Mr. Campbell? A His name is Neve Campbell.

Q Where does he live? A He lives in Mound City, Kansas.

JOSEPH L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Joseph L. Ward.

Q What is your age, Mr. Ward? A 56.

Q What is your postoffice? A Maysville, Arkansas.

Q You live in the Cherokee Nation side there? A Yes, sir.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q Mr. Ward, what was your father's name? A James Ward.

Q Did your father ever own a colored man by the name of Peter Ward?

A No, sir, my grandfather owned him.

Q You know Peter Ward then? A Yes, sir.

Q Before the war? A Yes, sir, he married a negro woman my mother owned.

Q He had some children? A Yes, sir.

Q You remember any of their names? A Yes, sir.

Q Well, give us some of them? A Abraham was the oldest, Berry, Margaret, Miner, Squire, Eliza, Dave, and Clint, is all they had when they left there that I know of, that I remember.

Q Did they live there when the war came up? A Yes, sir, in '63 as well as I can remember.

Q Did you ever afterwards see them? A Yes, sir.

Q Where did you next see them? A In Mound City, Kansas.

Q How was that? A In the fall of '66, October.

Q Now when did you next see anyone of this family? A The next time any of them was here in Maysville just after that payment, the first payment of the Cherokee. I don't remember the exact date.

Q You don't remember the exact date? A No, sir.
Q It wasn't this last colored payment? A No, it was the first payment that was had after the war.
Q You don't remember the date of that payment? A No, I don't remember the date.
Q Was this railroad through here at that time? A I think so.
Q Well, which one of them did you see at that time? A Abraham.
Q Did you have any conversation with him? A Wbr yes, he told me that he didn't get any money, that he came too late.
Q He say where he was living at that time? A Living out here on Big Creek, up here in Copweescoowee.
Q You remember when he said he came? A No, I don't, positive, it seems to me he told me he came here in '69, that is my best recollection.
Q Did you see any other members of the family at the time? A No, sir, not that I remember.
Q Have you talked with any of them since that about it? A No, sir.
Q You live quite a distance from them? A Yes, sir, I live about fifty miles southeast of here, and they live northwest.
Q You don't remember the date of that payment? A No, I don't remember the date of it, somewhere in '70 but I don't know exactly what date it was.
Mr. Mellette: Well, did any of the colored people get the payment at that time? A I don't know, I don't think they did.
Q Don't think any of them got it? A I don't know, I don't remember, of course I can't state.
Q You wouldn't swear that he told you he came here in '69, positively? A Not positively, but that is my best recollection.
Q Well, that has been a long time ago, hasn't it? A Yes, sir.
Q You ever been arrested? A I don't know that that cuts any figure in the case.
Commissioner: Please answer the question.
A Why yes.
Mr. Mellette: What were you charged with? A I was charged with charging an unlawful fee in a pension case.
Q That all? A And detaining pension money.
Mr. Hastings: What was done with the case, Mr. Ward? A Dismissed.

JOHN L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John L. Ward.
Q What is your age, Mr. Ward? A Age is 50.
Q What is your postoffice? A Maysville, Arkansas.
Q You are a Cherokee citizen by blood? A Yes, sir.
Q You live on the Cherokee side of the line? A Yes, sir.
Q What was your father's name? A His name was James Ward.
Q Did you know a colored man by the name of Peter Ward? A I did when I was a boy, I haven't seen him since.
Q Did he have some children? A Yes, sir.
Q You remember any of their names? A Yes, I recollect most of their names, there was Margaret and Abraham, Louise was the old lady's name.
Q To want to identify the family, name some of them? A Margaret and Abraham and Berry and Miner and Ben I think and Dave and Elise and Clint.
Q Did you ever see any of them after the war? A I never saw but one of them; yes I have seen them too, I seen Squire here the last court, one they call Dick or Squire.
Q Well, which one did you see first after the war? A That was Miner.
Q What was her name then? A Now I think she called her name.
Q Where did you see her? A Up here between here and Chatopa, Big Creek I think it was.

- Q Between here and Chatopa? A Yes, sir.
- Q In what district? A In Cooweescoowas I guess.
- Q Did you have any talk with her? A Yes, sir.
- Q About when was that talk? A Sometime in the sixties, '55 or '6 or '7, somewhere along there, I don't recollect just the year.
- Q Now think over the date, do you mean '60? A '70 I mean '70, something in '70, I have got it wrong, '60 I said, it was sometime in '70.
- Q You say it was sometime in '70? A Yes, sir.
- Q You know whether it was before or after this railroad ran through here? A Yes, sir, it was after this railroad ran through here.
- Q This M.K. & T.? A Yes, sir.
- Q Well, what conversation did you have with her? A We stopped there where she lived and she called up a couple of boys that she had and she told me their names, she called one of them Grant and the other one Sherman, and ~~tokran~~ then she sent a crazy negro down in the field for her husband, and she said she wanted to know what they were going to do about them, she said they got back too late; I said I didn't know what they were going to do, and that is about all the conversation I had; I asked them about the family, where they lived; they were all around there except one of them, there was one had never come back, that is my recollection, I don't know which one now.
- Q Who was with you at the time? A Will, my brother, we had been up to Coffeyville with some apples and came back by there and stopped.
- Q Mr. Mallette: You say you asked them about the family? A Yes, sir.
- Q Talked a good while with them I suppose? A We stopped there about half an hour or an hour.
- Q Where did she say her father was? A He lived there somewheres.
- Q Where? A U. here about Big Creek.
- Q Where did she say Abraham was? A He was there.
- Q Where? A Up in there, right close there, I was asking how they all were getting along.
- Q How many years ago has that been? A Along in '70 sometime.
- Q '70 when? A Between '75 and '77.
- Q What made you say it was in '60 first? A I just miscalled it.
- Q Wasn't it in the sixties? A No, sir.
- Q Don't you know it was in '68? A No, sir.
- Q Between '68 and '7 and '8? A It wasn't in '66.
- Q Why wasn't it? A Because this railroad was built through here.
- Q When were you first called upon to remember this? A Well, it was down here in this rock house down here.
- Q How long ago? A I don't remember.
- Q When Mr. Wallace made this roll? A No, sir.
- Q When Mr. Korn and Clifton made the roll? A It was when this negro attorney was down there, I don't know his name.
- Q How long ago? A I don't remember just now.
- Q About how long ago did you first remember that she said she was too late? A It was when we were up there, is all I know about it.
- Q About how long ago, I want to find out when it was? A The reason I think it was about seventy, because I was married in '78 and it was before I was married.
- Q How many years before you were married? A Two or three.
- Q Two or three? A I don't remember just exactly, it was so long ago you can't recollect, I can't recollect the exact dates.
- Q That is what I am thinking about, unless I have something to impress it on my mind; nobody called on you to remember what they said for twenty or thirty years afterwards? A No, I wasn't called on until I was summoned here before this court.
- Q This time? A No, that other time.
- Q What time was that? A I don't remember; you may recollect the date Mr. Hastings.
- Q You were making the roll at that time? A Hastings and Thompson and there was a negro there, an attorney, I forget his name.
- Q You can't give any idea when that date was was you; why can't you remember the date you were first called on to testify to this fact

as well as you can remember when she told you she came here too late?
A I never paid much attention to it.

Q Did you pay much attention to when she said she came here too late? A Yes, I recollect by the trip we made and I got to counting it up.

Q After thirty years you got to counting it up, did you? A It wasn't thirty years.

Q Well, twenty? A Let's see, it was over thirty years I guess.

Q It was over? A It was in seventy something.

Q Well how many years has that been? A Well I can count, this is 1901, you can count yourself.

Q Why I am not going to do it, I asked you how many years it was?

A Thirty years from seventy, and then it was along in '70, well I don't recollect just exactly the year though, it was before '77, sometime between '70 and '77, I don't remember just exactly the year, I don't propose to swear something I don't know.

Q Will you give it up then, you can't tell how many years it has been? A I don't recollect the exact year.

Q And you can't tell the year you were down here in the rock building and when Mr. Hastings and Mr. Thompson were making the roll? A No, I don't recollect the exact year.

Q Was it 1895? A I don't remember.

Q 1890? A (No response.)

Q Was it 1890? A No, sir, it wasn't then.

Q When was it? A I don't know just when, I don't recollect the year.

Mr. Hastings: That was the first time you had seen these old slaves since the war, when you had this conversation? A Yes, sir, and then during this Court I was sworn when I was up here last Court.

Q Are you summoned here as a witness this time? A Yes, sir.

Q Were you summoned when you testified before when I represented the Nation in part? A Yes, sir.

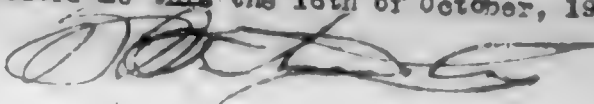
Q You remember Mr. Thompson was a member of the Court at that time? A Yes, sir.

Q You remember the other two members of that Court? A I don't recollect them.

Taking of testimony continued by stenographer J. O. Rosson.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 16th of October, 1901.



Commissioner.

Continuation of taking of testimony in case of ABRAHAM
WARD, C.F.-D.#607.

Former portion taken by Stenographer
Bruce C. Jones.

APPEARANCES:

Mr. Mellette, of Counsel for applicant;
Mr/ W. W. Hastings, of Counsel for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles,
testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A L. B. Bell.

Q Age? A 62; Vinita.

Q Mr. Bell, when was this ~~xxx~~ railroad, M. K. & T. railroad, built
through this country? A '71.

Q When was that first Cherokee payment made after the war? A '75.

Q Do you know whether colored people and all participated in that
payment or not? A Yes, every Cherokee citizen and whole lot
that wasn't.

Q That was a general payment-? A Yes, that was general payment
intended for relief fund for all people living in the Cherokee Nation

MR. MELLETTE: Did any colored people get pay at that time?

A Yes, I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called, testified as follows
in his own behalf:

MR. MELLETTE: What is your name? A Abraham Ward is my name.

Q Are you the Abraham Ward who is an applicant for enrollment as a
Cherokee Freedman? A Yes, sir.

Q Did you know J. L. Ward who has just testified in this case?

A Yes, sir, I know him.

Q Did you ever make a statement as testified to by him that you
came here too late to become a citizen? A No, sir, I did not.

Q Did you make statement, as testified to by him, that you came
back in '69? A No, sir.

Q Did you hear the testimony of John Ward, the last witness?

A No, sir.

Q Did you hear his testimony? A I heard it yes, sir.

Q Did you hear a statement being said of yourself, mother ~~xx~~ or
sister to him? A Yes, sir.

Q Where is that sister? A She is dead.

Q How long has she been dead? A About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward
after the war? A I saw him when the Cherokees drawed that general
payment, what called bred money.

Q What year was that? A I don't remember just what year it was.

Q Well, that is strange? A It was in '70 though I think.

Q Where did you see him? A '78 or '9; saw him right here at Vi nit

Q '78 or '9? A Yes, sir.

Q Along there; saw him here at Vi nita? A Yes, sir.

Q You didn't talk with him? A Yes, we was talking about our
boyhood times.

Q Talked to him where you had been? A No, sir, he knew where I
had been.

Q He was your young master? A Yes, sir, me and him was about one
age.

This Testimony will be made part of the record in cases
D.#608, D.#610, D.#611, D.#613, D.#625, D.#618, D.#616, D.#618,
D.#619, D.#621, D.#622, D.#623, D.#625, D.#626, D.#608

J. O. Rossen, being first duly sworn, states that as stenog-
rapher to the Commission to the five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

Subscribed and sworn to before me this October 12th, 1901.

File with Cherokee Freedmen, D-611, Berry Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

In the matter of the application of Abraham Ward et al. for
enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JOHN B. BROWN, being duly sworn by Commissioner Needles, tes-
tified as follows:

Mr. Hastings: What is your name? A John Brown.

Q J. B. Brown? A Yes, sir.

Q What is your postoffice? A Springer.

Q That in the Territory? A Yes, it is in the Territory.

Q You are a Cherokee Indian by blood? A Yes, sir.

Q What is your age? A I am 52.

Q You married a Choctaw, or Chickasaw? A Married a Chickasaw.

Q How long have you been down there? A I moved down there about
two years ago.

Q When did you come back to the Cherokee Nation after the war?

A We landed back in the Cherokee Nation in the fall of '65.

Q Where did you live during the year of '66? A We were down
there on Grand River.

Q Where did your father live in '67? A He was on Pryor Creek, I
think he lived on Pryor Creek.

Q Do you know a colored man by the name of Peter Ward, and Abra-
ham Ward? A Yes, sir.

Q When did you first see them after the war? A To the best of
my recollection, I saw them in '68 in Kansas near Mound City.

Q What were you doing up in Kansas? A There was an old negro that
my father owned, lived with him, I met him down here, and he had a
pension coming to him and I went with him up there to draw this money
and I found these people there in Ottawa, we went to Ottawa, Kansas, to
draw this money and there is where I saw these people.

Q Who did you go with? A Jess Brown and Jess Maroun, and there I
saw old Uncle Peter Ward and Abe and Berry, there was younger ones
but they were smaller, I got acquainted with them three.

Q Were they living there at the time? A Yes, sir, they were
living there.

Q Living in town or on a farm? A No, they were living on a farm
out a little piece from Mound City; Mound City, as well as I recollect
must be about 40 or 50 miles of Ottawa, Kansas.

Q About what time in the year did you see them there? A It was
in July or August, I remember they were cutting wheat when I was there.

Q Summer time? A Yes.

Q Well, about how long did you stay around there? A I don't know
how long, I don't remember how long, we stayed a while at Mound City
and then went on up to Ottawa and stayed there quite a while, we didn't
get the money when he first went there, we had to wait on account of
some papers wasn't fixed up right, and we had to stay there, I would
not say positively how long it was.

Q Was you at Peter Ward's house? A I can't say positively; you
see there was a whole bunch of them lived around there, and I went
to several of the houses around there and when they had preaching there
while I was there and I went to church and seen them; they all found
that I was an Indian and they came in to see me and talk with me.

Q You were with these colored men, see colored men? A Yes, sir, I

was with Jess, his mother was living there and his brother was there.

Q His mother and brother? A Yes, sir, mother and brother.

Q Did you see Abraham Ward? A Yes, sir, yes, sir.

Q You remember distinctly seeing him? A Yes, I remember him very well.

Q Well now did you meet anybody after you came back home, after you came back to the Cherokee Nation? A What do you mean; when I came back who did I meet?

Q Yes, if anyone? A No, I left them over there, they never come back.

Q Did you meet any of the Couches? A Yes, sir, Sam Couch and Pete Couch had just moved from Texas and I moved on Pryor Creek, they just had moved in, I just had come back from this trip and met them on Pryor Creek.

Q Now how many Wards had you seen up there, you saw Peter and Abe and Berry? A I remember Peter, that is Abraham's father, Uncle Peter we called him, and Berry and Squire, not Squire, no, Abraham, them three I remember.

Q There were others but you don't remember? A Yes, there were other boys, I got acquainted with them after they moved back later on, but I don't remember seeing them up there like I do these other men, I knew them after I met them after they came back I knew who they were.

Q Did they say anything about having been back down here after the war before that? A No, sir, never said anything about that, they told me ~~that~~ they were coming back just as quick as they could come, everyone I seen was talking about coming back.

Q Where did you live in '66? A We were down on the Adair place, some called the Adair place and used to be known as the Alex McDaniel place.

Q Where were you in '67? A We were there in '67.

Q Where were you in '68? A Then we went on Verdigris, we had moved over there to Verdigris.

Q And that was in '68 you went up there? A Yes, in '68 I went to Kansas.

Mr. Mellette: You say you saw these Wards up there in Kansas at church? A Yes, sir.

Q How long did you stay in Kansas that fall? A I can't tell you how long I was there.

Q You didn't lose your citizenship by going up there to Kansas?

A Didn't lose my citizenship, no, sir.

Q How long did you stay there, you say? A I don't remember, might have been there two, three or four weeks.

Q You didn't go to their house? A Yes, sir, I went to old Uncle Peter Ward's house.

Q Why didn't you say just a while ago that you did go to their house? A I said I went to several homes there, they lived all around in that country at different places, and I had been meeting them one day and another while I stayed there.

Q What were you doing while you were up there? A I went up there with this old Jess Brown to get his money.

Q Where did you have to go to get his money? A Went to Ottawa, Kansas.

Q How far is that from here? A I don't remember how far it is.

Q About how far? A Oh, it is a long ways.

Q How far did they live from Ottawa? A As well as I remember, it must be forty or fifty miles, they were living at Mound City to the best of my recollection.

Q What were you doing at Mound City? A There is where Jess's brother and mother lived, we landed there first.

Q What did you stay there for? A He wanted to see his mother, I stayed with him.

Q Did you have to stay with him? A Of course I had to stay with him, I went with him, whenever he got ready to go on up to Ottawa.

- 3 -

we went on.

Q You say three wards up there? A Yes, sir, I remember the three.

Q You don't know how long they had been there? A No, sir.

Mr. Hastings: You hauled Jess Brown up in your wagon? A Yes, sir.

Commissioner: This testimony will be made part of the record in Freeman cases D-608, D-610, D-611, D-613, D-625, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-625, D-626, D-605.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 21st of October, 1901.

W. H. H. H.

Commissioner.

File with Berry Ward C. F. D. 611.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 15, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel Thompson et al, C. F. D. #606.

Appearances:

James S. Davenport for the Cherokee Nation
Mellotte & Smith for the ~~Cherokee~~ applicant.

T. F. Thompson, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-

(By Davenport)

Q What is your name? A T. F. Thompson.

Q Where do you live? A 3 miles south of Vinita.

Q What is your age? A 54.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.

Q Did you know him before the war? A Yes sir.

Q Do you know where he went during the war? A I think he went north to Kansas.

Q Where did your family go during the war? A To Red River.

Q Choctaw Nation? A Chickasaw Nation.

Q When did you return to this country? A In the fall of '66, in October.

Q Did this applicant go with your family? A He never was with us during the war.

Q When your family returned to the Cherokee Nation where did they locate? A On Grand river, 12 or 15 miles east of here.

Q How far from where they had originally lived? A Same place.

Q Was the applicant there when you returned? A No sir.

Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.

Q With reference to the time the railroad was here when was it? A The Katy was here I think.

Q About what year was it? A As well as I remember it was in '71 or '72.

Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir.

Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.

Q Where was he living at that time? A On Big Creek, he told me.

Q Did he say then that he had been living on Grand river at the old place? A No sir.

Q You had always lived on the old place since your return? A Yes sir.

Q Same place you lived on prior to the breaking out of the war? A Yes sir.

Q Had the applicant been there after the war -- to your house? A Not that I know of.

Q You saw him here in Vinita for the first time after the war? A Yes sir.

Q Did he come to your house at that time? A He came to my father's house and staid a day or two with my father.

(By Smith)

Q What was your father's name? A Johnson Thompson.

Q Is he a Cherokee? A Yes sir.

Q By blood? A Yes sir.

Q A recognized citizen of the Cherokee Nation? A Yes sir.

Q Did he own Daniel Thompson before the war? A Yes sir.

Q Was Daniel Thompson with your father when the war commenced? A Yes sir.

Q What time did you get back here after the war? A October, '66.

Q You came to what place? A Our old place.

Q How far from where Vinita is now? A 12 or 15 miles.

Q How old were you then? A 15 years old.

Q Yes sir.

Q From the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school one or two sessions at Pea Ridge, Arkansas.

Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.

Q All you know is that the first time you saw him was in '71? A Yes sir.

Q You don't know how long he had then been in the Cherokee Nation? A No sir.

Q You don't know where he was during the war? A No sir.

(By Davenport)

Q When were you at school? A In '67, in the fall.

Q You was at home then from '66 to the fall of '67? A Yes sir.

Q You never saw the applicant there then? A No sir.

Q Never heard of him being there did you?

BY MR. SMITH: I object to him stating what he might have heard.

(By Smith of witness)

Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.

Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A David Stinger.

Q Where do you live? A On Big Creek, Cherokee Nation.

Q How old are you? A 60.

Q How long have you lived in the neighborhood of Big creek in the Cherokee Nation? A About 26 years.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Since '72.

Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.

Q What was he doing when you saw him? A Just commenced making a farm there.

Q Did you have a conversation with him then? A Yes sir.

Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here—thought he would come back home as he called it.

Q Did he have a family with him then? A Yes sir.

Q What year was that? A I think in '72.

Q What improvements had he made then? A Nothing, he was just in a wagon there.

Q Did he say when he had gone to Kansas? A No, I don't know anything about that.

Q Was anything else said about his having been in the Cherokee Nation before that? A I don't think there was.

Q How many children did he have there? A Two.

Q What were their names? A Sandy and Mandy.

Q Were they both with him? A Yes sir.

Q Did he afterwards make a place there? A Yes sir.

Q Where has he been living since? A Right there all the time.

Q What year was this you say he came there? A '72.

(By Smith)

Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.

Q How long had you been there in '72? A I was there in '71.

Q Where from? A Peoria, Illinois.

Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.

Q You don't know where he was in '30? A No sir.

Q Or in '32? A No sir.

Q Or in '37? A No sir.

Q Or in '66? A No sir.

Q Or in '65? A No sir.

Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.

Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.

Q You don't know when he first came here after the war? A No sir, only that time.

Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)

Q Was he living there when you came there in '71? A No sir.

Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r T. B. Noddles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A William Noble.

Q Where do you live? A On Big creek, Indian Territory.

Q Cherokee Nation? A Yes sir.

Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.

Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Good many years, I can't say exactly how long, I think he moved in there on Big creek right close to me, I think he came from Kansas there in the fall of '73, and he has lived there ever since.

Q Did he settle a place there when he came down? A Yes sir.

Q How far from you? A Two and a half miles.

Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.

Q Did he have his family with him? A Yes sir.

Q Children? A Wife and three children.

Q Did you have any conversation with him? A Yes sir, he told me he just moved in from Kansas.

Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.

(By Smith)

Q When did you first come to the Cherokee Nation after the war? A In '64.

Q Were you in the army? A Yes sir.

Q When were you discharged from the army? A I was discharged, I think it was in '62.

Q In what? A '62.

Q Were you discharged before the war closed? A No sir.

Q But you think it was in '62 that you were discharged? A I believe it was.

Q In '61 maybe? A Somewhere along there.

Q Somewhere in '61 or '62? A Yes sir.

Q You testified Saturday last in the John Vann case didn't you? A Yes sir.

Q Didn't you say then that you were discharged in the year '62 from

the army? A I dont think I did, I think I said I didn't know exactly.

Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.

Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '62.

Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.

Q When did the war close, what year? A I think it was in '61, wasn't it?

Q When did it commence? A You are just a little ahead of me when it commenced, I dont recollect it.

Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time thewar was over.

Q What did they discharged you for the first time? A Three years service.

Q Then you went back the second time? A Yes sir.

Q How long did you stay then? A Two years .

Q How long did that war last? A Five years, wasn't it?

Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.

Q What year did you get here? A In the spring of '66.

Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.

Q And you are certain you were discharged from the army after the war was over? A Yes sir.

Q And you got here in '66? A Yes sir.

Q Now, how did you do that? I went from Louisville, Kentucky where I was discharged, to Iowa, and from Iowa to Kansas and from Kansas here.

Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '73.

Q You dont know how long he had been here before that? A No sir.

Q You dont know when he came ~~he sir~~? A No sir, except when he came to Big Creek.

(By Davenport)

Q You dont know when the war began? A No sir.

Q Nor when it closed? A No sir.

Q Had Dave Stinger come to your place before Daniel Thompson came on Big Creek? A Yes sir.

(By Smith)

Q Where did you go after you were discharged? A Iowa.

Q Where did you go then? A Kansas.

Q Where did you stop in Kansas? A Neosho FALLS River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.

Q Did you have any trouble up at Chetopa? A No sir.

Q Were you never arrested in Kansas? A No sir.

Q Do you remember a man named Gage in Chetopa? I dont remember, I am not acquainted with him.

Q Didn't you have any trouble with him and get arrested? A No sir.

Q Didn't he have you arrested? I I dont think so.

Q Don't you know? A I know I wasn't arrested there.

Q Have you ever been arrested at all? A Yes sir.

Q Where? A In the Cherokee Nation.

Q What for? A Cattle stealing.

(By Davenport)

Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.

(By Smith)

Q Are you a citizen of the Cherokee Nation? A Yes sir.

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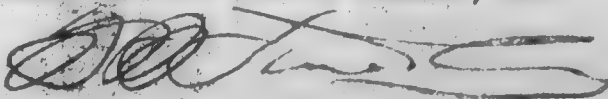
This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-606, and also in C. F. D. cases D-623 and D-693 and their subreferences.

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Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 17th of October, 1901 .



Commissioner.

File with case of Berry Ward, et al., C.F.-D.#611.

Supl.C.F.-D.#607.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CHEROKEE
Freedmen of ABRAHAM WARD, ET AL., the following supplemental testimony is offered on part of applicants:

APPEARANCES:

Mellette & Smith, Attorneys for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

STEPHEN RIDGE, being duly sworn by Commissioner Needles,
testified as follows:

MR. SMITH: State your name? A My name is Stephen Ridge.
Q How old are you? A I am 80 years old.
Q Are you a colored man? A Colored man?
Q Yes? A Yes, sir.
Q Where do you live? A I live in Mound City, Kansas.
Q How long have you lived there? A Oh, about 37 years.
Q In what year did you go there? A I went there in '64.
Q In what time in '64, what season? A Well, I got up there
September 12th.
Q To what place now do you refer? A Mound City.
Q What is your business, what do you do? A Well, I have done
a good many thins for a living, but I was employed by the Second
Baptist Church there; that is in '65, in the month of May I took
charge of the Second Baptist church there.
Q In what year? A In '65 in May.
Q Well, in what way did you take charge of it; what did you do?
A I preached the best I knew how.
Q You are a preacher are you? A Yes, sir.
Q Well, did you know a Peter ward there? A Yes, sir, I know him.
Q When did you first get acquainted with Peter ward? A I was
slightly acquainted with him down in Arkansas.
Q When did you first get acquainted with Peter ward? A We was
slightly acquainted as I stated down in Arkansas; no, I will take
that back if you will please, I got little kinda off, I can't keep
memory like I used to.
Q Just tell us when you got acquainted with him? A We was slight-
ly acquainted in the old Territory; wasn't that right; was it.
Q Just stop now and tell us when you first knew Peter Ward?
A Well, I was correct after all.
Q Ever know Peter Ward in Kansas? A Yes, sir.
Q How long had you been up there in '64 before you became acquainted
with Peter Ward? A Oh, I became acquainted with him the first
month I went there; that was in '64.
Q About how long did you know him there in Kansas? A Oh, I
knew him all the while; while he was there until he come away.
Q Well, about how long was that? A Oh, I guess not over a year or
after I got up there; that is as long as we lived together. Well,
if you will let me state it.
Q Go ahead now? A Well, the way this come up; how I got so well
acquainted with him was there as I told you, the church got me, em-
ployed me for a preacher and he was then a member of that organiza-
tion and was a deacon in that church and you recollect we had out
monthly meetings to transact our business there once a month and
of course we had a great deal of business together; that is the way
I became so well acquainted with him. We was both members of the
same church.

Q Do you know what the last business was that Peter Ward transacted there in that church, or when it was? A Yes, sir. He was with us the 17th day of June, '66; that is the last time he transacted business with us.

Q The last time he transacted business with you in the church?

A Yes, sir.

Q What did you do then? A We elected another deacon in his place.

Q What business was it you transacted on the 17th day of June, '66?

A Well, the reason I remember so well about that, I remember being the last, in receiving a member into the church we, he took a stand against it; that is what keeps me in remembrance of it so well, and it was the last transaction in the church.

Q Have you any book or church record? A I have got that first little book we had, but I haven't got it in my pocket; I had it in the forenoon and went down to dinner and thought I wouldn't have no use for it and left it in my valise.

Q By what did you fix the dates of these church meetings and matters that you have talked about?

Mr. Davenport: I object to that unless you get the book up here.

A The first time the church meetings was for a while we always had out church meetings on the Saturday before the first Sunday in the month and then we changed it, I requested the church to change it to Saturday before the Second Sunday on account of the other organization I had joined:

Q Well, after that time in June, '66 that you speak of, what became of Peter Ward; do you know whether he remained in that neighborhood, or did he go away from that neighborhood? A I heard he came to the Territory.

Q Did you ever see him there any more? A No, sir, I never saw him there any more; didn't see him any more--oh, I don't know for several years.

MR. DAVENPORT: Who is this you are talking about? A Peter Ward.

Q What Peter Ward? A Why Peter Ward that's dead, I know.

Q Just Peter Ward? A Yes, sir.

Q Did you ever see more than one Peter Ward in your life?

A No, sir.

Q You saw one in Arkansas? A That is the same one.

Q How many children did Peter Ward have? A Oh, I don't know.

Q Did all his children go away when he did or not?

A I don't know whether they all went away at the same time or not; I know they all left.

Q All left eventually? A I would not swear that.

Q Have you been living there at Mound City, Kansas, continuously since that time? A Yes, sir.

Q Don't you know that one of his family lives up there now and has been since the war; one of his boys? A I don't know; which one?

A I am asking you if you know? A Oh, no, I don't know.

Q What boys do you know? A I know some of the older ones.

Q What is one of the older one's name? A There was Harry and Abraham and Squire, I know them all, and he had one named Ben and he had one I won't be positive, but I tell you I know them, and another one was.

Q That is the last time you saw Peter in the church? A Yes, sir.

Q You have been custodian of the church books ever since that time?

A No, no, we had Clerks.

Q Have you been Pastor in charge of that church ever since 1866?

A No, sir.

Q Have you lived in Mound City all the time since that time?

A Yes, sir.

Q Who do you know up there? A I know quite a number of folks.

- Q Do you know J. B. Brown, up there? A What J. B. Brown.
- Q Just J. B. Brown is all I know. A I know one Brown.
- Q Well, do you know a fellow by the name of J. L. Ward that lives up there? A What is he?
- Q He is a white man or Indian? A I know Mr. Ward.
- Q Well, do you know B. B. Osborn? A Buy Osborn, I know him.
- Q He lives there in Mound City.
- Q Well, do you know C. W. Kingsberry? A There is a man that lives about there, about three miles above Mound City, I know him by name perfectly well, but I never got so well enough acquainted with him to know him when I see his face but I know there is such a man as that.
- Q When did you look up that church record to see when the last time Brother Peter Ward officiated with you? A I just looked it up here about a week ago.
- Q Where had that book been all the time? A I had it in my possession.
- Q You made the entries in the book? A No, sir, I told you we had a clerk and he was not a member of the church and then we had, or rather thought we ought to have a clerk that was a member of the church and then they elected a man by the name of Sam Clark, he is dead now and after he left he left and went down to Iola, or some place.
- Q Well you don't know where Ward went after he left there? A I don't know no more than what he said; said he was going to the Territory.
- Q When was that? A That was in '66.
- Q How do you know it was in '66? A Because.
- Q Does your book say that? A Yes.
- Q Your book says Ward had resigned because he was going to the Territory? A No, the book don't say so, but I noticed this in order to find out about the time when Peter Ward left there, I remember; I say it was the 17th day of June, as I stated. It was the 17th day of June and when I found I remembered when looking over it, I noticed that that was the last time Brother Ward was there with us to transact business and it was on the 17th day of June, '66; but he never was with us any more after that in our transactions in the church and of course that give me a very good reason to believe that he came right off because he had been talking of it before.
- Q You don't know that he moved at once to the Territory? A I don't know; that is, I don't know what day he left on; I know he never was with us in church meeting after that, and I have always believed he come right straight to the Territory because I never saw him any more; after he had been up there in the neighborhood he would have been in the church meetings.
- Q You are just imagining that? A I know that because he was a faithful member and never missed.
- Q Did your members attend all the time or did some of them back-slide? A I could not tell you much about that, because we always has some little back-sliding in the churches and of course we didn't keep track of it all the time.
- Q Where was it in Arkansas you saw this fellow? A We met in Mayesville; well, we wasn't well acquainted then as we might have been, but remember when we met here in Kansas that we had met before.
- Q Well, where was you living when you met this man at Mayesville, Arkansas? A I was living on Honey creek.
- Q In what country? A In the Indian Territory.
- Q Are you a Freedman? A I am a Freedman, but I have about give it up because you have took such stand here against us freedmen, and because we lived a little while in Kansas, we could not live here; I have spent about a hundred dollars to get my name on, and did have my name on the Wallace roll and when I come to find it would not find it.

Q Did you get your name on the Kern-Clifton roll? A No, sir, I didn't know when was the proper time, I come too late.

COM'R NEEDLES: Had Peter Ward been talking to you about coming to the Territory? A Yes, sir, he talked it all around there, it was known all over the neighborhood he was coming to the Territory and of course we calculated when he left there that he come to the Territory and I believe that with all my soul.

MR. DAVENPORT: He has been talking to you since you have been down here this time? A We talked a good deal, we always do when we meet; I have been down here several times before since he come, but I didn't meet him after he come down here, I expect it must have been five or six years afterwards. Well, the first time I met him was when I come to get my ~~name~~ ~~on the~~ ~~Wallace~~ name on the Wallace roll after he come.

(Application is continued until the witness can send and get the book of which he has been referring.)

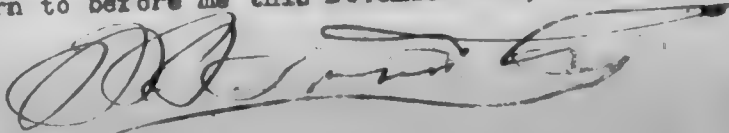
Q In giving your testimony a while go when you referred to your church book, is the name of Peter Ward shown in the book on the date you referred to as fixing the date that he last officiated with you at the church? A No, sir.

Com'r Needles: This testimony will be made part of the record in the case at bar and part of the record in D)608, D610, D-611, D-613, D-425, D-615, D-616, D618, D-619, D-621, D-622, D-623, D-625, D-626, D-605.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 5th, 1901.



Commissioner.

File with Cherokee Records. D-111, Berry Ward.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wintley, Mo., October 29, 1901.

In the matter of the application of Abraham Ward et al. for
enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Declarant:
Mellette & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

A. R. WAYNE, being duly sworn by Commissioner Needles, testi-
fied as follows:

Mr. Hastings: What is your name? A. A. R. Wayne.

What is your postoffice? A. Mound City, Lynn County, Kansas.

What is your age? A. I am 53 years old.

Q Were you in Lynn County, Kansas, during, and the years imme-
diately after the war? A. Yes, sir.

Q I will ask you if you know a colored man by the name of Peter
Ward? A. Yes, sir.

Q Where did you learn to know him at first? A. Four miles and
a half west and one half mile north of Mound City, Lynn County, Kansas.

Q When? A. In 1866.

Q You know whose place he was living on at that time? A. I forget
the name of the man at that time, in '66.

Q Do you know where he moved, if at all, in '66? A. He moved to
the farm of Amos Durbin, and some call it the C. W. Kingsbury place
now.

Q Is Kingsbury his grandson? A. Of Durbin's, yes sir.

Q How long did he continue to live on the Durbin farm? A. 3 years.

Q Now by what do you fix that? A. The first time that I saw him
I know where I was working breaking prairie, and I struck a thorn in
my foot right in there, and I stopped and Mrs. Ward said that the gall
of a bee was the best thing I could put on it, and by me breaking
prairie I know it was in '66, I know where I was living at that time.

Q How do you fix the next date, three years later, which would
make it in '69? A. I have a record of the expenses that I had paid
out in May, toward the last of May, from the first of January till
the last of May, that me and him had a transaction whereby me I paid
him \$2.50.

Q Peter Ward? A. Yes, sir, the second day of March.

Q Of what year? A. 1869.

Q Where was he living at that time? A. He was living on the farm
of Amos Durbin.

Q Do you know any of Peter Ward's children, sons, members of his
family? A. I know one girl and I know Abraham Ward, Clint Ward, I
regards his name in Clinton, but we all called him Clint, and George; I
believe that is all that I can bring to mind now at the present time.

Q And one by the name of Berry? A. Yes, sir, I think Berry was
the second boy.

Q Now there was named George Ward? A. Yes, sir, I think there was.

Q You recollect it now? A. Yes, sir, George Ward.

Q There were three children living between the years of '66, when
you first knew the father, and '69? A. They were living with their
father, the boys of course would work around first one place and
another wherever they could find work, but there is where they were
living, with their father.

Q Have you seen that since that time, 1869? A. No, sir, I haven't.

Q Do you know whether you could meet them or not now? A. No, sir,
I haven't met them since that time that I gave in this other case.

plowing and going up there.

Q I know, but you did a great many things in '66 that you haven't had any occasion to think about since, haven't you? A Yes, sir.

Q What first brought this incident to your mind, that is what I am talking about? A What first brought it to my mind?

Q Yes, or recalled this thing you are talking about in '66? A Well I was asked if I knew a man by the name of Peter Ward.

Q When? A Well I think it was pretty near four weeks ago.

Q Who asked you? A Why I think he was by the name of Keys, J. M. Keys I think, if I am not mistaken.

Q Well now from the time this thing happened up to the time that J. M. Keys asked you about it, you had had no occasion to remember this incident, or the date when you hurt your foot, had you? A No, sir.

Q Now for thirty-five or six years you had carried in your mind the date when you had hurt your foot? A Yes, sir, I know the date by that transaction of breaking prairie, know where I was living.

Q How long did you live there? A At that place, only lived there at that place just one year, working for my brother that year.

Q Now that has been a long time ago, hasn't it? A Yes, sir.

Q Do you think you can swear with certainty it was in '66 and no other time that you met Peter Ward the first time? A Yes, sir, not to my knowledge to know him; I might have met him but not to know him.

Q Do you think you can't possibly be mistaken about the date?

A I know I can't be mistaken in regard to the date of the year.

Q You know that? A Yes, sir.

Q Well now Mr. Wayne, where is your record? A In my pocket in a book.

Q I would like to see that. A (Witness produces book) That record commenced there, January 2, 1869, it goes on down to there, (indicating on book) is Peter Ward, \$8.50; it goes on down to here, to May, '69, \$102.84; I spent during that time \$102.84.

Q When did you commence to keep this book? A Well, I think that book came in my possession in 1868, along in the winter of '68.

Q When did you quit making entries in it? A In regard to my expenses?

Q No, entries at all? A Well I think probably it was away along in the seventies somewhere, might maybe have been late as '76, toward the back there in regard to some Sabbath School records I think, and in that part there is some few pages that was in '68, some transactions, and some probably in the seventies somewhere.

Q Mr. Wayne, at the place in this memorandum where the name of Peter Ward occurs, there is no year there, is there? A No, sir, there isn't; there was no occasion for the year when I was keeping the account; you will find here it is entered, and it goes on down here, and here it is March first, and March 2, and goes on down, 9, 11, 12, 13, and; there was no occasion for it in keeping the record.

Q Mr. Wayne, what is the entry immediately above the name Peter Ward? A (Reading from book) That there is Ben Branson, a colored man, 25¢; no, it is stamps, 13¢.

Q You are sure that that is stamps? A No, soda, 13¢.

Q Then it isn't stamps? A No, sir, I thought it was stamps, but it is soda instead of stamps; here is stamps below here.

Q Now let me see, that line upon which the word, Peter Ward, is written has been erased? A No, sir.

Q Isn't there Mr. Wayne on that line? A Not to that knowledge, and I am the only person that has ever had it.

Q Can you read that entry immediately above that Peter Ward, and Peter Ward, as distinctly as you can this entry immediately below it?

A Well there is a part of the Peter there that I can see just the same as I can the other, the same that is below here; there is some and I believe.

Q That is not the question; are the entries below clearer and more distinct than the word, Peter Ward? A No, sir, not that I

notice till they get way down there, they are about the same.

Q Now then you see there is a part of the Peter that you can read better than the other part? A Well, the t there appears to be a little bit plainer.

Q Can you see any e in that Peter? A Yes, sir.

Q Where is it? A Right after the t.

Q If you didn't know what it was could you tell what the remaining letters after the P were? A Yes, sir, that is my handwriting and I would.

Q Now why, Mr. Wayne, is that word Peter Ward blurred, as it appears upon the record? A I can't tell you any more than here; not a bit.

Q You don't know? A No, sir.

Q Did you write the word potatoes on the second page? A Yes, sir.

Q Did you make that P? A Yes, sir.

Q Is that one like this one? A Yes, sir, that one looks like I didn't make it very plain and I taken it again, same as there (indicating) in writing that down it looks as though I had made two cracks on that, and you will probably find the P somewhere.

Q Now Mr. Wayne, sometimes a P is made with one stroke of the pen?

A Yes, sir.

Q Now that P in potatoes is made that way, isn't it?

A No, I don't make a P but very seldom, sometimes I make a P by running down and then back, and sometimes then I make a P by making a straight mark and going around that way (indicating); I make Ps two or three different ways.

Q Now Mr. Wayne, the word Peter there in this book is blurred?

A Yes, sir.

Q It is indistinct? A No, sir, not to my mind it is not.

Q Not as clear as the entries below it? A It is about the same thing here except that P in here, that I see, appears to be a little plainer, than that e-t-e-r.

Q Well, do you state that that is as clear as the entries below?

A No, sir, I saw it is not, it is the same as some that would be over here or some other place.

Q Now you didn't use this book since eighteen and what? A Oh I have probably referred to it for some regards in regard to an orchard that I set out, and my little boy that is dead might have got hold of it once, he might have got hold of that book.

Q Where was this book when you were first interrogated about Abraham Ward? A It was in my desk in my room.

Q Did you remember, when you were interrogated as to the time when you had had any business transactions with Peter Ward, without reference to that book? A No, sir.

Q Then you are testifying from that record? A I am testifying from my record in regard to the transaction.

Q Is the record is wrong you are wrong? A Yes, sir.

Q Can you tell me who made the blur, or erasure, if it is an erasure, upon that line upon which appears the name of Peter Ward? A No, sir.

Mr. Smith: If the Court please, I would like to offer the book.

Mr. Hastings: You can't take the book away from the man.

Q Do you want this book any more? A I have some records in regard to some orchards that I would have to have here.

Q If you are willing, we would like to keep it a while in this case, and the Commission will return it to you afterwards? A I have no objections, but there is a little paper in there I would like to get out afterwards.

Mr. Hastings: When was this entry made? Was it made at the time that it purports to have been made? A Yes, sir, I tried to put them down the night in which they were made.

Q Mr. Wayne, now the page before, or the second page before this entry of Peter Ward, I notice this date; (reading) January 2, 1864. Is that correct? A Yes, sir.

- 5 -

Q Following that are a great many entries and only the month and the day; is that intended to be that year? A Yes, sir, everything down to May, '69; it tells the date on the opposite page.

Q Opposite page to where you summed it up? A Yes, sir, to where I summed it up here, it is three pages over.

Q Well, between the two pages before this and say three pages afterwards, they contain the transactions of that year of '69? A It does, yes, sir.

Q Mr. Wayne, a good part of this record was kept with pencil, wasn't it? A Yes, sir.

Q Has it ever been erased or mutilated other than by wear? A No, sir, not to my knowledge, unless my little boy might have got hold of it.

Q Well, you never mutilated that name of Peter Ward or erased it?

A No, sir, I wouldn't have any occasion to.

Q Is that in the same condition that you found it when Mr. Keys made the inquiries of you with reference to your knowledge about Peter Ward? A It is exactly the same.

Q No change has been made? A None whatever.

Commissioner: The book testified about will be filed with the papers in the case.

Commissioner: This testimony will be made part of the record in the case at bar, and part in D-348, D-349, D-311, D-313, D-425, D-615, D-616, D-312, D-313, D-321, D-322, D-623, D-625, D-626, and D-605.

Bruce E. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he, correctly, recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 13th of November, 1901;

W. L. Jones
W. L. Jones
Notary Public
Notary Public.

File with Berry Ward, C. F. D. #11

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I. T. October, 28th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #807

SUPPLEMENTAL TESTIMONY

Appearances:

W. W. Hastings for the Shawnee Nation.
Mellette & Smith for the applicants

By Mr. Hastings: I desire to file a certificate from J. A. Gady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: "Peter Ward, one female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Gady, testified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Brookridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

=====

(COPY)

State of Kansas: ss.
County of Linn:

I, J. A. Gady County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: "Peter Ward, one female dog." said entry is on page 75 of said rolls. Said Assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(Signed) J. A. Gady
County Clerk of Linn County, Kansas.

=====

By Commissioner Brookridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants, be filed in the case to which this case refers and all subseque[n]ces thereto as from upon the records of this Commission.

=====

Chas. van Sled, being sworn states that as Secretary to the Commission to the Five Civilized Tribes he reported to all the above proceedings, and that he has seen all the affidavits filed in this application, and that he has seen the same in his presence, and further that the same are a true and correct statement of the statements made in said proceedings.

Subscribed and sworn to before me this 28th day of October, 1901.

[Signature]

Freed B 880

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I. T., May 31, 1902

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of *Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation*, No. 37209 filed in the *Mariah Hayden* case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said *Mariah Hayden*, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Perry Ward, B 411,

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of *Mariah Hayden* will be made a part of the record by reference in all the cases above named with the exception of those which come within the provision of the temporary injunction recently granted by Judge Will of the United States Court, of the Northern District of Oklahoma.

By Mr. Smith:

The applicant further moves that as to the above named cases the Commission be directed to make a copy of the decree already referred to and file it in the case of the applicant.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) -T. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application or the enrollment of
Peter Hudson and others, consolidating the applications of

Peter Hudson,.....	Cherokee Freedmen	D	604
William Hudson, et al.,.....	"	D	605
Peter Ward, et al.,.....	"	D	613
Abraham Ward, et al.,.....	"	D	607
Ben Ward, et al.,.....	"	D	616
Squire Ward, et al.,.....	"	D	616
Sadie Ward,.....	"	D885	
David Ward,.....	"	D	619
George Ward,.....	"	D	428
Alonzo Ward, et al.,.....	"	D	606
Will Ward, et al.,.....	"	D	610
Berry Ward,.....	"	D	611
Lena Ward, et al.,.....	"	D	1117
Malinda Williams, et al.,....	"	D	618

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Peter Hudson for himself; by William Hudson for himself, his wife, Eliza, and his minor children, Emmett, Levi, Wilburn, Ida and Ivery Hudson; by Peter Ward for himself, his wife, Louisa, and his grandchild, Eva Ward; by Abraham Ward for himself and his son, Artes Ward; by Ben Ward for himself, his wife, Sarah, and their minor children, Vannie, Martha, Clarence, Neal and Myrtle Ward; by Squire Ward for himself and his minor children, Joseph, Jennie and Eliza Ward; by Sadie Ward for herself; by David Ward for himself; by Nancy Ward for her husband, George Ward, among others, the other parties to her application, being differently classified, are not embraced in this decision; by Alonzo Ward for himself and his minor children, Savannah, Ezra and Rhora Ward, as Cherokee Freedmen, and for his wife, Mahala Ward, as a Cherokee Freedman by intermarriage; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Mahala Ward, as such, will not be passed upon, or con-

sidered in this decision; by Will Ward for himself and his minor children, Gracie and Frances Ward; by Berry Ward for himself; by Lena Ward for herself and her minor child, Roxie Beeson, and by Malinda Williams for herself and her minor children, Monroe and Delois Williams. A copy of the testimony taken at Vinita, Indian Territory, on October 15, 1901, in the matter of the application of Daniel Thompson, et al. is made a part of the record herein.

The evidence shows that the applicant, Peter Hudson, together with his wife, Charity Hudson, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion, but returned thereto prior to January 19, 1867. The applicants William Hudson and Sarah Ward, wife of Ben Ward, are the adult children of Peter Hudson and Charity Hudson. The said William Hudson and Sarah Ward were minors at the commencement of the rebellion and are considered to have acquired the status of their mother, Charity Hudson, and, therefore, to have been the slaves of a Cherokee citizen at the commencement of the rebellion. It appears that they returned to the Cherokee Nation with their parents prior to January 19, 1867.

It further appears that the minor children of said William Hudson, included in his application, were born since 1866 and derive their rights to enrollment through him; that Lena Ward, Roxie Beeson and Vannie, Martha, Clarence, Neal and Myrtle Ward were all born since 1866 and are the descendants of the said Sarah Ward, nee Hudson. The evidence further shows that the said Peter Hudson, William Hudson and Sarah Ward, nee Hudson, have resided in the Cherokee Nation from 1866 up to and including the date of their applications herein. The said descendants of William Hudson and Sarah Ward, nee Hudson, are considered to have resided all their lives in the Cherokee Nation with the parents through whom they claim.

It further appears that the applicants Peter Ward, Louisa Ward, Abraham Ward and Ben Ward were the slaves of Cherokee citizens at the commencement of the rebellion; that they removed from the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The applicants Eliza Hudson, Eva Ward, Artes Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Minora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, all born since 1866, are the respective descendants of the said Peter Ward, Louisa Ward and Abraham Ward and have no rights as Cherokee Freedmen, except such as they may have acquired through their said ancestors.

The applicant Squire Ward was a minor at the commencement of the rebellion and is considered to have acquired the status of his mother, Louisa Ward, and therefore to have been the slave of a Cherokee citizen at the commencement of the rebellion. It appears that he was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The said Joseph, Jennie, Eliza and Sadie Ward are his descendants, born since 1866, and have no rights as Cherokee Freedmen, except as such descendants.

None of the names of the persons whose applications for enrollment are denied herein, are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that Peter Hudson, William Hudson, Emmett Hudson, Levi Hudson, Wilburn Hudson, Ida Hudson, Ivory Hudson, Sarah Ward, Vannie Ward, Martha Ward, Clarence Ward, Neal Ward, Myrtle Ward, Lena Ward and Rexie Beeson should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stat., 498); and that the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abraham Ward, Artes Ward, Ben Ward, Squire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Sadie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Sara Ward, Minora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of said Act of Congress, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Birby
Chairman.

(SIGNED)

T. B. Needles
Commissioner.

(SIGNED)

C. R. Breckinridge
Commissioner.

(SIGNED)

M. E. Stanley
Commissioner.

Dated at Muskogee, I. T.,

this JUL 10 1903

the day of May 1901 M. and duly recorded

Book K Marriage Record, Page 310

WITNESS my hand and seal at Muskogee, in said

Territory, this 9th day of May 1901

Wm. C. McLean Clerk.

By Deputy.

RECORDED TO THE CIVILIZED TRIBES

FILED

MAY 20 1901

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY. } ss.
Northern District.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District,
Indian Territory, do hereby certify that the instrument hereto attached was filed in my office

on the 6th day of May 1901 at M., and duly recorded
in Book K, Marriage Record, Page 810.

WITNESS my hand and seal of said Court at Muskogee, in said
Territory, this 9th day of May 1901 A. D. 1901
Chas. Davidson Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES
FILED
JUN 8 1901

MAY 6 1901

JAMES A. WINSTON,
Clerk.



MARRIAGE LICENSE.



UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

SS

No. 1755

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, GREETING:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony
between Mr. Berry Hard
of Stiner, in the Indian Territory, aged 23 years, and
Miss Bessie McAnnam
of Stiner, in the Indian Territory, aged 18 years,
according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian
Territory, this 3rd day of April, A. D. 1901

By J. A. Chandler Deputy.

Chas. H. Davidson
Clerk of U. S. Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

SS

I, A. W. Ward, a Minister of the Gospel,
DO HEREBY CERTIFY, that on the 4 day of April
A. D. 1901, I did duly and according to law as commanded in the foregoing

solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 4 day of April, A. D. 1901

My Credentials are recorded in the office of the Clerk of the U. S. Court Indian Territory, Northern District,

Book

Page

A. W. Ward
A Minister of the Gospel.

NOTE.—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00.)

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Berry Ward,

Winer, I. T.

Cherokee F-D-311.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

11
No. ^LD 611

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 1901

Given under my hand this
day of A. D. 1901.

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of SEP 13, 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A.D. 1901

Subscribed and sworn to before me
this day of A.D. 1901.

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of Berry Ward
for enrollment as a Cherokee citizen:

Case No. D 611

To Berry Ward or Mellatte & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 5th at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

SEP 17 1901

L B Bell
M. W. Haskins
Attorneys for the Cherokee Nation.

134
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 8 1901

[Handwritten signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 8 - 1901Post Office Okimur, S. I.District COOWEE COOWEE1. Name Berry WardAge 23

Owner's name

Citizenship

Year 1880Page 175No. 3121District COOWEE COOWEE

Parents:

Father

Abraham Ward living

Citizenship

Seaford

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by No. 1

Stenographer

S. E. JonesNo. 1 on Wallace Roll P 157 No 3167, 2000 Dist7 ref to D 607Represented by Mellette & Smith, Okimur, S. I.

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 21st, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the original testimony of June 8th, 1901, in the
matter of the application of Berry Ward for the enrollment of
himself as a Freedman of the Cherokee Nation.

Wm. M. Mullett

Attorney for Applicant.

Cherokee F. #D611.

COPY

Cherokee Freedman
D-611

Waskogee, Indian Territory, August 22, 1903/

Berry Ward,

Wimer, Indian Territory

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Enc. D-137
Register

Commissioner of Indian Affairs

COPY.

Cherokee Freedmen
D-404 et al.

Washburn, Indian Territory, August 24, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Peter Hudson et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Maxie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Jeremiah, Jennie, Eliza, Sadie, David, George, Alonzo, Harvance Ezra, Elvera, Will, Gracie, Frances and Berry Ward, Malinda, Hester and Delate Williams as Cherokee freedmen.

Respectfully,

T. E. Needles.

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-130

COPY.

Cherokee Freedmen
D-304 et al.

Mustang, Indian Territory, August 24, 1903.

Esq. With,

Attorney for Peter Hudson et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Bennett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Dixie Tesson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Equire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah, Ezra, Elmore, Will, Gracie, Frances and Berry Ward, Malinda, Monroe, and Polaris Williams as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

-2-

made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-149

Register.

Refer in reply to
the following:
Land.
55270-1904

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

April 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated March 4, 1902, transmitting the record relative to the applications of Peter Hudson, et al, for enrollment as Cherokee Freedmen.

Peter Hudson applied for enrollment of himself; William Hudson for the enrollment of himself, his wife Eliza and their children, Emmet, Levi, Wilburn, Ida, and Ivery Hudson; Peter Ward for himself, his wife Louisa, and his grand-child, Eva Ward; Abraham Ward for himself and his son, Artes Ward; Ben Ward for himself, his wife, Sarah, and their children, Vannie, Martha, Clarence, Neal, and Myrtle Ward; Squire Ward for himself and his minor children, Joseph, Jennie, and Eliza Ward; Sadie Ward for herself; David Ward for himself; Nancy Ward for her husband; George Ward and others who are differently classed and not included in the Commission's decision; Alonzo Ward for himself and his children, Savannah, Mura, and Elvira Ward and for his wife, Mahala, as an unmarried freedman; Will Will Ward for himself and children, Gracie and Frances Ward; Dorry Ward for himself

(2)

Lena Ward for herself and child, Roxie Beeson; Malinda Williams for herself and her children, Monroe and Deleis Williams.

The right of intermarried citizens of the Cherokee Nation to enrollment not having been determined, the Commission did not pass upon the application for the enrollment of Mahala Ward. In a decision dated July 10, 1903, the Commission found that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward and Roxie Beeson are entitled to enrollment as freedmen, and the other parties to this consolidated case are not entitled to enrollment as such. The evidence in the case shows that Peter Hudson was at the commencement of the late Civil War a slave of Susie Hudson, a citizen of the Cherokee Nation. He went to Kansas during the war, but the evidence satisfactorily establishes that he returned to the Cherokee Nation and took up his abode therein during the year 1866. He is, therefore, entitled to enrollment.

William Hudson is the son of Peter Hudson and Charity Hudson, deceased. His status is the same as that of his father, and it necessarily follows therefore that he is entitled to enrollment, as are also his minor children, Emmet, Levi, Wilburn, Ida, and Ivory Hudson. His wife, Eliza Hudson, nee Ward, claims that she is entitled to enrollment as a freedman. She is the daughter of Abraham and Caroline Ward, the latter of whom is deceased.

Abraham Ward is the son of Peter Ward. It becomes necessary, therefore, to ascertain whether Abraham Ward by himself or through

(3)

his father was the slave of a citizen of the Cherokee Nation, and if so, whether he left the Nation and returned within the time limit fixed by the treaty of 1866. Abraham Ward claims to have been the slave of Jim and Eliza Ward, citizens of the Cherokee Nation. He says that in 1862, after he had been liberated, he went into the Union Army, General Blunt's Division, as a body servant. In June 1901, he testified that he was 55 years of age, therefore, he was born in 1846, and was 16 years of age in 1862. The record in the case does not show that he returned within the time limit fixed by the treaty, therefore, Abraham Ward, and his son Artes, are not entitled to enrollment, and neither is his daughter, Eliza, who is now the wife of William Hudson, unless they are entitled to enrollment by reason of the status of Peter Ward, father of Abraham Ward.

The record shows that Peter Ward was the slave of George Ward, a Cherokee citizen. He went to Mound City, Linn County, Kansas, during the war, and claims to have returned during the year 1866. The preponderance of the evidence, however, shows that he did not return prior to April 11, 1866, and he is not entitled to enrollment as a Cherokee Freedman, neither is his grand-child Eva, unless it be by reason of descent from her grandmother, Louisa Ward, or the persons^{mentioned} in the Abraham Ward group:

From the record it appears that Louisa Ward, wife of Peter Ward, moved from the state of Georgia, with her husband, to the Cherokee Nation. They appear to have been the slaves of George Ward, a Cherokee. She went to Kansas at the time Peter Ward did and returned at the same time. Her status is, therefore, the same as that of Peter

Ward, and she is not entitled to enrollment, neither is her grandchild, Eva Ward by reason of descent from her or any of the persons mentioned in the Abraham Ward group by reason of such descent.

Ben Ward is the son of Peter and Louisa Ward. He testified that on June, 1901, he was 43 years of age. He was born therefore in 1858. His father claims to have been the slave of George Ward, and he claims to have been the slave of Jim Ward. The record shows that he went to Kansas with his father and returned at the same time. He did not return within the time limit fixed by the treaty and is not entitled to enrollment. His wife, Sarah Ward, is the daughter of Peter Hudson and her right to enrollment and the right of her minor children, Vannie, Martha, Clarence, Neal, and Myrtle Ward, depends upon their descent from him.

The record shows that Peter Hudson and the members of his family returned to the Cherokee Nation prior to the expiration of the time limit fixed by the treaty of 1866, and the applicants last mentioned are, therefore, entitled to enrollment.

Squire Ward is the son of Peter Ward. He testified in June, 1901, that he was "Forty some odd years" of age. Squire Ward, Joseph, Jennie, and Eliza Ward, are not, as hereinbefore shown with reference to Peter Ward, entitled to enrollment as freedmen by reason of descent from Peter Ward, as the members of Peter Ward's family did not return to the Cherokee Nation prior to February 11, 1867.

Mary Ward, nee Mays, deceased, the record shows, was the daughter of David Mays, and the mother of minor applicants Joseph, Jennie, and Eliza Ward. It is plain that she was a slave in the Cherokee Nation and "belonged to the Whites." From the record the

(5)

minor applicants last mentioned do not appear to be entitled to enrollment by reason of their mother being a Cherokee Freedman, or by reason of descent from their grandfather, David Mays.

Sadie Ward is the daughter of Squire Ward, son of Peter Ward. Squire Ward and Peter Ward not being entitled to enrollment, it follows that Sadie Ward is not entitled to enrollment. David Ward is the son of Peter Ward. He was 39 years of age in June, 1901, and his status is the same as that of his father. He is not, under the record, entitled to enrollment as a Cherokee Freedman.

George Ward, for whom Nancy Ward applied, testified in May, 1901, that he was 36 years of age. He is the son of Peter Ward and if he has any right to enrollment as a freedman it is by virtue of the status of his father. His father not being entitled to enrollment, for the reason that he did not return to the Cherokee Nation before February 11, 1867, applicant George Ward is not entitled to enrollment.

Alonzo Ward is a son of Abraham Ward, who is a son of Peter Ward. In June, 1901, he testified that he was 35 years of age. He was born after the close of the war, and the record shows that his father, Peter Ward, and the members of his family, did not return to the Cherokee Nation within the required time. Alonzo Ward and his children, Savannah, Ezra, and Elnora, are not, therefore, entitled to enrollment as Cherokee Freedmen, and as hereinbefore stated his wife, Mahala Ward, applied for enrollment as an unmarried citizen, and the Commission has not yet passed upon her rights, if any she has.

(6)

Will Ward is a son of Abraham Ward and grandson of Peter Ward. For the reasons hereinbefore stated, Will Ward and his children, Gracie, and Frances, are not entitled to enrollment by reason of descent from Abraham Ward and Peter Ward. Bell Ward, mother of the two minor applicants last named, is "a state woman," and said applicants are not entitled to enrollment by reason of descent from her.

Berry Ward is a son of Abraham Ward and grandson of Peter Ward. In June, 1901, he testified that he was 23 years of age. Consequently, he was born since the close of the war. His father and grandfather not being entitled to enrollment as Cherokee Freedmen, it follows that he is not entitled to enrollment.

Lena Ward is a daughter of Ben Ward and his wife, Sarah Ward, nee Hudson. Sarah Ward is the daughter of Peter Hudson who was a slave of a Cherokee citizen at the commencement of the war. Peter Hudson left the Cherokee Nation during the war, but returned within the time limit fixed by the treaty of 1866, and is, himself, entitled to enrollment.

Lena Ward, the record shows, was born about 1881, within the limits of the Cherokee Nation. Her mother, Sarah Hudson, being entitled to enrollment and she having lived within the limits of the Cherokee Nation all of her life, is entitled to enrollment as a Cherokee Freedman, as is also her minor child, Roxie Beeson. From the record it appears that William Beeson is the father of Roxie Beeson.

Malinda Williams is the daughter of Abraham Ward and the

(7)

granddaughter of Peter Ward. As she was only 20 years of age in 1901, and as her father, Abraham Ward and her grandfather, Peter Ward, are not entitled to enrollment, she is not entitled to enrollment, and her minor children, Monroe and Deleis Williams, are not entitled to enrollment by reason of descent from her.

William Williams, the record shows, is the father of these children. He is not a Cherokee Freedman and the children are not, therefore, entitled to enrollment on account of the status of their father.

In view of the foregoing it is respectfully recommended that the decision of the Commission of July 10, 1903, wherein it is held that Peter, William, Emmet, Levi, Wilburn, Ida, and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle, and Lena Ward, and Roxie Beeson, are entitled to enrollment as Cherokee Freedmen, and that the other parties to the case, whose applications they passed upon, are not entitled to enrollment as Cherokee Freedmen, be approved.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

GAW-D

D C 14391-1904.

COPY

WCF

I.T.D. 3234-1904. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

PHH

April 29, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On August 24, 1903, you transmitted the record in the consolidated Cherokee Freedmen case of Peter Hudson (D-604), et al., including your decision of July 10, 1903, granting the application for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Beeson, and rejecting the application for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alenoe, Savannah, Kara, Elmore, Will, Gracie, Frances and Berry Ward, and Malinda, Monroe and Delois Williams.

Reporting April 15, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

It appears that the original application included the name of Mahala Ward, for enrollment as a Cherokee Freedman by intermarriage. In your decision you did not pass upon her rights as such.

Your decision as to the applicants included therein, is approved. The record is returned herewith, and it is desired that you

-2-

render a decision as to the rights of Mahala Ward, who applies for enrollment as a Cherokee freedman by intermarriage.

Respectfully,

(Signed) Thos Ryan,

2 inclosures.

Acting Secretary.

Cherokee Freedmen
D-860 et al.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tablequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Everett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Florence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Perry, Peter, Louisa, Eva, Abraham, Artes, Alonzo, Savannah, Ezra and Elnora Ward, Malinda, Monroe and Delois Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
1-804.

Muskogee, Indian Territory, May 11, 1904.

Edgar Smith,

Attorney for Peter Hudson et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Loxie Hudson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Grace, Frances, Berry, Peter, Louise, Eva, Abraham, Artes, Alonzo, Savannah, Rara and Elvora Ward, Malinda, Monroe and Fannie Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-611.

Muskogee, Indian Territory, May 11, 1904.

Berry Ward,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

(COPY)

D.C. 33316

Vinita, I. T. August 4, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,
Waskagee I. T.

Dear Sir:

In re:

Motion for rehearing in the matter of the application for the enrollment of Peter Hudson, et al, as Cherokee Freedmen, consolidating the applications of

Peter Hudson, C. F. D. 604,
William Hudson et al C. F. D. 606,
Peter Ward et al C. F. D. 613,
Abraham Ward, et al, C. F. D. 607,
Ben Ward, et al, C. F. D. 615,
Squire Ward, et al, C. F. D. 616,
Sallie Ward C. F. D. 603,
David Ward C. F. D. 619,
George Ward, C. F. D. 425,
Alonso Ward C. F. D. 608,
Will Ward et al, C. F. D. 610,
Berry Ward C. F. D. 611,
Lena Ward et al, C. F. D. 1117,
Malinda Williams, et al C. F. D. 616,

wherein we filed a motion prior to June 28th 1906, for a rehearing in behalf of some members of the Ward family in this case.

We desire to state that on account of the limited time allowed us in which to investigate this case we did not have the opportunity to go into it as thoroughly as we desired and since the motion was filed we have made a thorough examination of this case both in Kansas and in the Cherokee Nation and after a thorough investigation of the case we find that from the standpoint of the applicants, if a rehearing was granted us in this case we would be unable to add any strength to the applicants' side of the case.

Abraham Ward informs us that he took his wife to Kansas with him and she did not return until he did and that Amanda Williams certainly must be mistaken. We had Amanda Williams on the stand recently in the Court here and she stated she was born before the war but declared that she was just 24 years of age. Abraham Ward also advises us that he did make a trip down to the Nation in the fall of 1866 together with his father and brothers but did not remain here and that they thought that was a compliance with the treaty, and that they did not come again until in the Spring of 1867. The records in Kansas and book accounts at the stores there show them as trading up there for some time after February 11 1867 and the best citizens around Round City who have not testified in the case advise us that they remember that the Wards were there some time after the 11th day of February 1867, and the people we first interviewed say after thinking the matter over carefully that Peter Wards sons came back to Kansas with him after they visited the Cherokee Nation in the Fall of 1866. The marriage records show a number of them married up in Kansas in 1866 and in 1867.

In view of the situation as we find it and of what Abraham Ward himself now tells us, we do not believe any strength can be added to the applicants case if a rehearing was granted and therefore the motion filed by us in these cases may be dismissed so far as we are concerned or if not in your jurisdiction to dismiss it then we would consent that you recommend that it be denied by the Department.

If motions have been filed by any other Attorneys of course we would have nothing to do with them.

We have just completed a very thorough investigation of this case and have interviewed every person of any prominence around Round City Kansas who could know anything about the case and after this thorough investigation we deem it our duty to lay this matter before you in the manner that we have so that you might take such action as you deem proper in the case.

Respectfully,

Starr & Patton

Muskogee, Indian Territory, August 16, 1906

The Honorable,

The Secretary of the Interior.

Sir:

On April 29, 1904 (I.T.D. 3254-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated July 10, 1903, in the Cherokee freedman consolidated case of Peter Hudson, et al., D 604, et al, wherein the applications for enrollment as Cherokee freedmen of Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abraham Ward, Artes Ward, Ben Ward, Squire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Sadie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Minora Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, are rejected. On June 25, 1906, there was filed with this office by Starr and Patton of Vinita, Indian Territory, a motion for rehearing of said case, insofar as it rejected the above named applicants, to which motion a reply of the Cherokee Nation was filed on July 26, 1906.

Secretary-2

In their letter to this office of August 4, 1906 Starr & Patten state that after further investigation of the case they find that they would be unable to add any strength to the applicants' side of the case if a rehearing was granted, and, for reasons stated in their letter, they consent that their motion for a rehearing of said case shall be dismissed. Said motion for rehearing, the reply thereto by the Attorney for the Cherokee Nation, and a copy of the letter of Starr & Patten of August 4, 1906, are enclosed herewith, and in view of the statements contained in said letter, it is respectfully recommended that the motion be dismissed.

There was also filed with this office on June 25, 1904, by Thomas & Foreman, attorneys, Muskogee, Indian Territory, a motion for rehearing of the applications of "Will Ward and his four minor children and of Alonso Ward and his three minor children, for enrollment as Cherokee freedmen citizens of the Cherokee Nation."

The record shows that the application of Will Ward for the enrollment of himself and minor children, Gracie and Frances Ward, as Cherokee freedmen, is included in the above mentioned case, and the records of this office fail to show that an application has been made for the enrollment of any children of his other than those two.

Secretary-3

The application of Alonzo Ward for the enrollment of himself and minor children, Savannah, Ezra and Minora Ward as Cherokee freedmen, is included in the above named case.

The reply of the attorney for the Cherokee Nation to this motion was filed with this office July 17, 1906. There is no claim in this motion as to the discovery of new evidence, or as to the nature of the evidence sought to be introduced at a rehearing, and why it could not be secured, with due diligence, when the case was heard before the Commission, nor is it shown that the motion is not made for the purpose of delay. Said motion and the Nation's reply are also enclosed, and it is respectfully recommended that the same be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

L. M. B.

Commissioner

Encl. B-36

Cherokee Freedmen
R 261 et al.

Muskogee, Indian Territory, August 18, 1906

Starr and Patten,

Attorneys for Peter Hudson , et al.

Vinita, Indian Territory.

Gentlemen:

Receipt is acknowledged of your letter of August
4, 1906, referring to a motion for rehearing in the
Cherokee freedman consolidated case of Peter Hudson et al.
The contents of said letter have been duly noted.

Respectfully,

L. B.

Commissioner

Land
72347-1906

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 28, 1907.

The honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter (I .T.D. 3254-1904), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated August 16, 1906, transmitting the motions for rehearing together with the replies of the Cherokee Nation relative to the application of Peter Hudson, et al., for enrollment as Cherokee freedmen.

On June 25, 1906, Starr and Patten, attorneys for the applicants, filed a motion for rehearing in the consolidated case of Peter Hudson, et al., in which the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the applications for the enrollment of Peter, Louise, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonse, Savannah, Ezra, Elnera, Will, Gracie, Frances, and Perry Ward, Eliza Hudson, Malinda, Menree, and Delois Williams as Cherokee freedmen, was approved by the Department on April 29, 1904 (I.T.D. 3254).

On July 25, 1906, a reply to this motion was filed by
W. T. Hastings, attorney for the Cherokee Nation.

On August 4, 1906, Starr and Patten informed the Commissioner by letter that they desired their motion for rehearing dismissed as they had no further testimony to offer on behalf of the applicants which would strengthen their case. A copy of this letter is enclosed.

The Office concurs in the recommendation of the Commissioner that the motion above referred to, be dismissed.

On June 25, 1906, Thomas and Foreman, attorneys, filed a motion for rehearing in the matter of the application of "Will Ward and his four minor children and of Alonzo Ward and his three minor children, for enrollment as Cherokee freedmen."

The application of Will Ward for the enrollment of himself and his minor children, Grace and Francis Ward, as Cherokee freedmen is included in the case of Peter Hudson, et al., above referred to. The Commissioner reports that he is unable to find any record of an application for the enrollment of any other children of Will Ward than those above mentioned. The application of Alonzo Ward for the enrollment of himself and his minor children, Savannah, Ezra and Minerva Ward as Cherokee freedmen, is also included in the case of Peter Hudson, et al.

The reply of the Cherokee Nation was filed on July 17, 1906.

As the motion for rehearing does not show that new evidence has been discovered, or that the motion is made for any

other purpose than that of delay, the Office concurs in the recommendation of the Commissioner that the motion be denied.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

WFO-C

D.C. 7780-1907

Y.P.

I.T.D. 1848-1907.

LRS

DEPARTMENT OF THE INTERIOR, THE
WASHINGTON.

February 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing in the Cherokee freedman case of Peter Hudson, et al., received with your letter of August 16, 1906, and Indian Office letter of January 28, 1907 (Land 72347-06), are denied, in accordance with the recommendations made by you and the Indian Office. A copy of the Indian Office letter is inclosed.

The papers in the matter have been returned to the Indian Office for its files.

Respectfully,

Thos. Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 6 for Ind. Of.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND.
12132-1907
21308- " (COPY)

March 2, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith motion for review and re-hearing of Departmental decision of February 4, 1907, in denying motion for re-hearing in the Cherokee freedmen case of Peter Hudson, et al., filed in this Office by Kappler & Merrillat, attorneys for Will Ward and his children, who are parties applicant in the consolidated freedmen case of Peter Hudson, et al.

The motion alleges that an injustice has been done the parties in this case, for the reason that their interests have been consolidated with other interests, which are not supported by sufficient testimony, and that these applicants have lost a just right to enrollment by reason of their case having been consolidated with the case of others, and particularly with reference to Abraham Ward.

The motion is supported by affidavits of Cherokee Indians by blood, and others. The Office is of the opinion that the motion should not be granted at this time, and it is therefore recommended that it be denied.

The record in the case is enclosed herewith.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

(COPY)

D.C. 13296-1907.

I.T.D. 7834-1907.

L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON

Y.P.

LLB

March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing of the Cherokee freedman case of Peter Dodson et al., filed in the Indian Office by attorneys for applicants, is hereby denied, as recommended by that office in letter of March 2, 1907 (Land 21306), copy inclosed.

The papers in the matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock

Secretary.

1 inc. and 3 to Ind. Of.

J. W. V. 3/4/07.

Cherokee
F R 291.

Muskogee, Indian Territory, March 7, 1907.

Berry Ward,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in your Cherokee freedman enrollment case was denied by the Secretary of the Interior, February 4, 1907.

Respectfully,

(SIGNED *Samuel J. Carter*)

Commissioner.

HJC

COPY

Cherokee F
R 281 et al.

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing filed in the Cherokee freedmen enrollment case of Peter Hudson, et al., was denied by the Secretary of the Interior February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. NJ-84.
HJC

SIGNED *Tams Bixby*
Commissioner.

Cherokee F
281 et al.

COPY

Muskogee, Indian Territory, March 7, 1907.

Starr & Patten,

Attorneys for Peter Hudson, et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion for a rehearing filed in the Cherokee freedmen enrollment case of Peter Hudson, et al., was denied by the Secretary of the Interior February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. NY-25
NYC

SIGNED *Tams B. B.*
Commissioner.

Cherokee
R 282.

Muskogee, Indian Territory, April 1, 1907.

Kappler & Merrillat,
Attorneys for Peter Ward, et al.,
Washington, D. C.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-102
LMC

D. Rodger
Acting Commissioner.

Cherokee F.
R 282.

Muskogee, Indian Territory, April 1, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a re-hearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. C-103
LNC

Geo. D. Rodgers
Acting Commissioner.

Cherokee F
R 291.

Muskogee, Indian Territory, April 1, 1907.

Berry Ward,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys, Vappler & Merillat, for a rehearing of your Cherokee freedman enrollment case, was denied by the Secretary of the Interior, March 4, 1907.

Respectfully,

Acting Commissioner.

LMC

Cher. Fr. R-292

See Cher. Fr. R-283-281-290-1 - #1333

Cher. Fr. R-292

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

JUN 17 1891

WILLIAM ALLEN - 2

of the Commission to the Five Civilized Tribes, being a stenographer to the Commission to the Five Civilized Tribes, in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

James D. Jones

Sworn to and subscribed before me this 17th day of July, 1891.

COMMISSIONER

Department of the Interior,
Commission to the Five Civilized Tribes,
Chalsea, I.T., June 8, 1901.

In the matter of the application of Malinda Williams for the enrollment of herself and one child as Cherokee Freedman.

Appearances:

Mallette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Malinda Williams, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Malinda Williams now.
Q How old are you? A 30.
Q What is your post office address? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A One child.
Q What is your child's name? A Monroe Williams.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Will Williams.
Q Is he a citizen? A No, sir, citizen of the United States.
Q What is your father's name? A Abram Ward.
Q What is your mother's name? A Caroline Ward.
Q Are they living? A No, sir, my mother isn't living.
Q Is Abram Ward the man who was listed for enrollment this morning as a Cherokee Freedman? A Yes, sir.
Q Where were you born? A Born here in the Nation.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q Your name isn't on the roll of 1880; you would be old enough for it? A No, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the parents of applicant not identified thereon.

- Q How old is the baby? A Five months old.

- Q Have you got a paper there? A Yes, sir.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon, page 125, No. 3125, Cooweescoowee district, as Minney Ward.

The Wallace roll examined, and the applicant identified thereon, page 122, No. 3169, Cooweescoowee district, as Lina Ward.

- Q The child Monroe is living at this time? A Yes, sir, here it is.

Commissioner: Malinda Williams applies for the enrollment of herself and her child, Monroe. She avers that she is married to one Will Williams, a non citizen, and that she is the daughter of Abram Ward, who has been duly listed for enrollment on D card 407. The testimony taken in the case of the said Abram Ward will be made part of the testimony in the case at bar, and a copy of the same will be filed herewith. She makes satisfactory proof as to her residence. She is duly identified upon the Kern-Clifton and Wallace rolls, and makes satisfactory proof of the birth of said Monroe Williams, the child for whom she applies, which is filed herewith. Consequently the said Malinda Williams and her child Monroe will be listed for enrollment as a Cherokee Freedman on a doubtful card. She will be advised of the decision of the Commission when arrived at in her case.

Malinda Williams - 2.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 15th of July, 1901.

W. H. Harrison

Commissioner,

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10
Freedmen on a doubtful basis, awaiting further consideration by the Commission. He will be duly notified by mail at his post office address of the decision of the Commission, when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 15th of June, 1901.

Signed, Bruce C. Jones,
Signed, J. S. Needles,
Commissioner.

~~Subscribed~~
Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones
Sworn to and subscribed before me this 5th of August, 1901.

J. S. Needles
Commissioner.

Melinda Williams, b. 5, 1818

Mellette & Smith, for applicants
W. W. Hastings for the Cherokee Nation -

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 25th, 1901.

In the matter of the application of Abraham Ward for the enrollment of himself and one child as Cherokee free men, he being sworn by Commissioner T. E. Needles, testified as follows:

- Q What is your name? A Abraham Ward.
Q How old are you? A 56.
Q What is your postoffice address? A Wymer.
Q In what district do you live? A Coowasee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A One boy, Arthur Ward.
Q How old is he? A 15 years old.
Q Are you a recognized Cherokee Freedman? A In part I am.
Q Is your name on the 1880 roll? A No sir.
Q Is it on any of the rolls? A The Kern Clinton and on the Wallace roll.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kern Clinton roll examined and the names of the applicants found thereon as follows:

Page 125, No. 5117, Abraham Ward, Coowasee, Cherokee.

Page 125, No. 5124, Arthur Ward, Coowasee, Cherokee.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 152, No. 5162, Abraham Ward, Coowasee, Cherokee.

- Q Where were you born? A On Battle's prairie.
Q In the Cherokee Nation? A Yes sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Jim and Maria Bond.
Q Were they Cherokee citizens? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A No, sir, after I was liberated I went into the Government service.
Q Where did you go? A In '68 I went into the Union Army.
Q What regiment? A Blount's Division.
Q Where did you enlist? A I didn't enlist, I was working for the officers, body servant.
Q Where did you go? A Went to Oak Hill, Arkansas, worked at the officers and after that I drove a Government team.
Q When did you return to the Cherokee Nation? A In the spring of '70.
Q Have you lived here continuously ever since? A Yes sir.
Q Are you married? A Yes sir but my wife is dead.
Q Was she the mother of Arthur? A Yes sir.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A The Adairs.
Q Is her name on the 1880 roll? A No sir.
Q Did her name Caroline Adair before you married her? A Yes sir.
Q When did you marry her? A In '68.
Q Where? A In Arkansas.
Q Did you return with her? A Yes sir, I came on down and then went back to the roll and brought her.
Q How much of a family did you have then? A None, but we were poor here.

Q Did you live with Caroline until her death? A Yes sir.

Q Who were your owners? A Jim and Louise Ward.

Q And they were Cherokee citizens were they? A Yes sir.

By Mr. Mellette:

Q Have you a place on the Public Domain of the Cherokee Nation?

A Yes sir.

Q How long have you owned it? A Since '06.

By Mr. W. W. Hastings: The above question as to owning a place is objected to by the representatives for the Cherokee Nation because it does not tend to prove the issue.

By Mr. Mellette:

Q You have never lived out of the Cherokee Nation since your return in '06? A No sir.

By Mr. Hastings:

Q Your father was Peter Ward? A Yes sir.

Q Are you his son? A Yes sir.

Q Are you his oldest son? A Yes sir.

Q You went to Mound City Kansas didn't you? A Yes sir after I quit driving Government teams.

Q That is in Linn county? A Yes sir.

Q Do you know Gusky Brown? A Yes sir.

Q Did you see him in Kansas? A Yes sir.

Q What year did you see him there? A I think it was in '07.

Q You knew Joe Ward? A Yes sir we was raised together.

Q He was your young master? A Yes sir.

Q You saw him in Kansas too didn't you? A Yes sir in '05 when I was driving a Government team he came to our house.

Q Was that after or before the war closed? A Same year that the war closed, I saw him in Mound city and he went up to my father's house, I was living with my father.

Q You were not married then? A No sir, married directly after.

Q What year did you marry? A In the fall of '06, after he was up there.

Q How old is your oldest child? A He is 28 I think it is according to my judgment.

Q What time in the year was that oldest child born? A In September.

Q Was he 22 last September or this coming September? A This coming September.

Q That is your best judgment? A Yes, sir.

Q Did you come back with your father, Peter Ward? A No sir not the first time I come.

Q Didn't you testify before that you come back with your father?

A No sir, I went to Fort Gibson the first time and the next time I came down with him.

Q How long after that did you come down again with your father?

A The first year, I come to Fort Gibson in the spring and come back to Kansas and back here again in the fall, with my father.

Q You had married then? A Yes sir.

Q You came down the first time in November? A Yes sir.

Q Was away with you that first time? A Yes sir, to Rogers.

Q Come through on horse back? A Yes sir.

Q How long did you stay there that? A Would a considerable time, had him sick there.

Q What? A Peter Ward and Mr. Ward.

Q Tell how long did you stay there? A About a month or so.

Q How long after that did you come with your father? A In November for the second time, that last time? A Yes sir, but I was on horse back and I came back from Fort Gibson to Kansas the first time.

Q How long did you stay there from Snow Creek? A No, no on horse back.

Q What direction from the mouth of Snow Creek? A Northeast.
 Q How far from the Kansas line? A About 8 miles south.
 Q Who was living there in that country then when you went through from Fort Gibson to Kansas? A Sam Webber, George Meigs, Peter Meigs, old man Sam Webber.
 Q Had they houses there then? A Yes sir.
 Q Had they made a crop of corn that year? A Not much, there was a drought there, that was when I went up the first time.
 Q What time was it when you went up? A In August.
 Q Did Sam and his daddy have a crop of corn in? A Not much, sort of a patch.
 Q That was in '68? A No sir.
 Q Your young master Joe Ward testified that he saw you there in '67?
 A I was traveling up there through that country and saw him the year of the war closing, because he went to my house with me.
 Q Did you ever see Will and John Ward or any of your young masters since the war? A Yes sir.
 Q Where? A On Big Creek.
 Q When? A I had been there about two years.
 Q Did you locate right on the place where you now live? A Yes sir.
 Q And have lived there ever since? A Yes sir.
 Q Is your father living? A Yes sir.
 Q He lived there with you? A Yes sir.
 Q What Cherokees are living along there? A Albert Morris.
 Q Was he living there when you came? A No sir.
 Q How far was Jim Martin living from there when you came there?
 A No sir, he was not living there and the Delawares were not living there either then.
 Q You anticipated that question didn't you? A I know they was not living there then.
 Q What made you answer that question before I had asked it? A I heard some of the people saying that they was up there then and I am telling you right. I thought it was coming and I was going to tell you about it.
 Q Where did you get anything to eat that fall? Got it from these Webbers and Sanders? A We brought some along with us.
 Q Do you know Jess Brown and Tecumseh? A Yes sir.
 Q They were up in Kansas looking after some pension matters weren't they? A I don't know.
 Q Was Sam Webber living in a house up there? A Yes sir.
 Q Who did you stay all night with up there? A With Peter Meigs.
 Q That was in August? A Yes sir.
 Q 1867? A Yes sir, latter part of August.
 Q Did old Peter Meigs have in a crop there then? A Yes sir a little one.

By the Commission:

Q Why is your name not on the 1880 roll? A I don't know, the census takers didn't come there.
 Q Did you ever apply to have your name enrolled? A No sir; the reason I didn't was because several men went down there and tried it and came back and said that it was not necessary to go down there as there was not enrolling us people.

L. B. DANIELS, called and sworn as a witness before Court T. C. Needles, testified as follows for the applicant:
 By Court Needles:
 Q What is your name? A L. B. Daniels.
 Q What is your age? A 38.

Q What is your postoffice address? A Claremore.
 Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A I got acquainted with him in the fall of '66.
 Q Do you know if he was a slave? A No sir I dont.
 Q Where did you see him in the fall of '66? A At Fort Gibson.
 Q Have you known him ever since that time? A I saw him after I moved up here to Cooweescoowee.
 Q How did you happen to see him in Fort Gibson in '66? A He come to Amanda and Ruthe Adairs and was going to take them away and I asked him what he was going to do with them, and he said he was going to take them to his people.
 Q You had never seen him before that? A No sir, he was a stranger to me then.

By W. W. Hastings:

Q He was a stranger to you in '66? A Yes sir.
 Q You had never seen him before that? A No sir.
 Q You didn't witness for him before the Kern Clifton Court did you?
 A No sir.
 Q Do you know how long he staid in Fort Gibson that time? A No sir I dont.
 Q What time did you see him there? A In the fall.
 Q What time in the fall? A First part of September or the last part of August, somewhere along there.
 By the Commission:
 Q How did you know it was in '66? A Because I was living right there and notices all the girls that come in there.
 Q You was a young man then? A Yes sir.
 Q You was a government officer also wasn't you? A Yes sir.

SAM WEBBER, called and sworn as a witness by Gen'l Needles, testified as follows:

Q What is your name? A Sam Webber.
 Q How old are you? A 58.
 Q What is your postoffice address? A Nowata.
 Q Are you a recognized Cherokee Freedman? A Yes sir.
 Q Do you know the applicant? A Yes sir.
 Q How long have you known him? A Got acquainted with him in Kansas during the war.
 Q During the war? A Yes sir, time of the war.
 Q Do you know when he returned to the Cherokee Nation? A In the fall of '66 was when I first remember seeing him in the Nation.
 Q Where did you see him? A On Big Creek.
 Q He came up there to live? A Yes sir.
 Q Did he have his family there with him? A Yes sir he had his family with him.
 Q Did you know if he was a slave in the Cherokee Nation before the war? A Only what he told me.
 Q Have you known him ever since? A Yes sir.
 Q Has he lived in the Cherokee Nation continuously ever since?
 A Yes sir.

By W. W. Hastings:

Q He settled there right in the fall of '66? A Yes sir, frost was falling.
 Q How long before had you and your family been there? A Not long, I moved down there a short time before that.
 Q About how long before that? A I cant just tell, not a great while.
 Q A month? A Just have there a month, I don't remember exactly.
 Q Are you prepared to swear positively that all these people came

down there 35 years ago, in '66? A Yes sir all those I am acquainted with that come.

Q How far did this man live from you then? A 4 miles.

Q He has lived there ever since? A Yes sir.

Q I know he was living there in '67? A Yes sir.

Q You know he was living there in '68? A Yes sir.

Q You are willing to swear that he has continued to live there continuously ever since '68? A Yes sir.

Q Did you know his father? A Yes sir.

Q What is his name? A Peter Ward.

Q He come with his father did he? A Yes sir they come together.

Q And settled in the same neighborhood? A Yes sir.

Q What place in Kansas did you come from? A Lim County, same place they come from.

Q Mound City? A Yes sir.

Q Did you know them there? A Yes sir.

Q Did you go back up there directly after you come down here and settled? A No sir.

Q Did you go back there in '67 or '68? A No sir.

Q Was this man married when he come down there? A Yes sir.

Q Was his wife with him? A Yes sir.

Q How many children did he have then? A I can't tell you how many he had, but he must have had as many as two or three. I can't tell.

Q Did he have any? A If he did, I don't know it.

Q You know he was married though? A Yes sir.

Q Did he live with his father when they first came there? A They both camped there close together.

Q Did they make separate homes? A Yes sir.

Q Had you made a crop there when he come? A No sir.

Q None of you had crops in then did you? A No sir, couldn't, hadn't been there long enough.

Q About how far did they locate from the Mexican line? A I don't hardly know.

EXHIBIT recalled and examined by V. F. Hastings:

Q You saw Will and John Ward directly after Will got into trouble did you? A Yes sir I saw Will, he come to my house.

Q You had a talk with him? A Yes sir.

Q You told him where you had been? A Yes sir, not exactly as to where I had been.

Q Talked about old slavery times? A Yes sir.

Q Told him when you had come there? A Yes sir that question was not asked.

Continuation of the above examination conducted by S. C. Jones.

John von Tolson, being sworn, a duly licensed stenographer to the Commission to the Five Civilized Tribes, deposes and says that all the proceedings in the above named case, the foregoing is a full, true and correct transcript of the same, and he subscribes and swears to before me this 2nd day of June, 1901, at Muskogee, Ind.

John F. von Tolson.

Subscribed and sworn to before me this 2nd day of June, 1901, at Muskogee, Ind.

Q What is your name? A George Meigs.

Q What is your age? A I don't know exactly, about sixty some odd.

Q What is your postoffice? A Wimer.

Q Are you a recognized Cherokee Freedman? A Yes sir.

Q Your name on the 1880 roll? A No, sir.

Q You made application to be enrolled? A Done been enrolled, all excepting two witnesses.

Q Do you know Abram Ward, the applicant here? A Yes, sir.

Q How long have you known him? A Ever since he moved on Big Creek.

Q Do you know whether he was a slave before the war? A Yes, sir, he was a slave.

Q Who did he belong to? A Belonged to a man they called George Ward.

Q Do you know whether he went out of the Cherokee Nation during the war or not? A Yes, sir.

Q Where did he go? A Went up to Fort Scott.

Q Did you see him? A No, sir, I just met him up there.

Q Do you know when Abram Ward, the applicant, returned to the Cherokee Nation? A Why I don't know exactly.

Q When was the first time you saw him after the war? A Why it was in the fall of '68.

Q Where did you see him then? A On Big Creek.

Q Was he living there? A Well, he has been there ever since.

Q Was he living there then? A When I saw him, why he just came.

Q Did he have a family with him when he came? A Yes, sir.

Q How many children did he have? A Well, I can't hardly tell you.

Q Have his wife? A Yes, sir.

Q Was he camping there, or had he built a house? A Well, he came in and camped, and built a house.

Q Have you known him since that time? A Yes, sir.

Q Has he always lived in the Cherokee Nation since '68, to your knowledge? A Yes, sir.

Q You were taken out during the war, were you? A Yes, sir.

Q Did you return with Abram Ward? A I returned just a little before he did.

Q You saw him here in '68 in the fall? A Yes, sir.

Q Mr. Hastings: How long had you been back when you saw Abet? A I don't know exactly.

Q A year or two? A I hadn't been back a year, no, sir.

Q Well, had you put in a crop that year you came back? A No, sir, I hadn't then.

Q Did you have any corn in when he came? A No, sir.

Q Any potatoes in? A I had a patch started to clear out.

Q But you had no corn on it? A No, sir.

Q You didn't plant any that year? A No, didn't plant any till it got time to plant it.

Q But had you planted any when this man come down here? A No, sir.

Q George, you don't know anything about dates, yet? A No, sir, I don't.

Q You don't know one year from another? A No, sir, I don't know, of course I am not got no education.

Q Where did you live before the war? A Well, now I lived in the Cherokee Nation before the war.

Q In what place in the Cherokee Nation? A Well, as near as I can remember it was on the creek, a place called a little town, they called Dutch town or a big hill, west of it.

Q Who did you belong to? A Belonged to a man they called Henson.

Daniels and Ella Daniels.

Q How far was that from Beattie's Prairie? A It wasn't a great way, I don't know.

Q What direction was Beattie's Prairie from where you lived? A To my judgment, it must have been kinder north, , nearabout north.

Q You were up there before the war, were you, Beattie's Prairie?

A No, sir, I don't know that I have ever been to the place.

Q When did you first see Abe? A The first time I saw Abe to recollect him was at Fort Scott.

Q During the war? A Yes, sir.

Q Then you never saw him before the war? A No, sir.

Q You didn't know of your own personal knowledge who he belonged to?

A Of course I don't, but I know what he says, who he belonged to.

Q You swore a while ago he belonged to George Ward? A That is what I told you his owner was.

Q You don't know that? A No, sir.

Q You are the son of Peter Meigs? A Yes, sir.

Q Peter Meigs went down before the court to have himself and family enrolled? A Yes, sir.

Q Did you go along with him? A No, sir.

Q He is dead? A Yes, sir.

Q He didn't get enrolled? A No, sir.

Q He has been refused by the Cherokee Nation? A Yes, sir.

Q You know this man, the applicant, has been refused all the time?

A Yes, sir.

Q To the best of your judgment, how many children did he have when you first saw him there, after the war? A I can't hardly tell you; I know all his children; he had one to my judgment.

Q But you don't know how many more? A No, sir.

Q What was this child's name? A Named Len.

Q He stayed right near you? A Yes, sir.

Q He came down with his father, didn't he, Peter Ward? A Yes, sir.

Q They all came down together and stayed up there? A Yes, sir.

Q I want to know if you are positive about the year that they came in? A Yes, sir.

Q They have lived there continuously ever since that year they came? A Yes, sir, ever since.

Q They never went back to Kansas and left up there? A I believe the old man went back once or twice for grub.

Q Not up there to live? A No, they never went up there to live.

Q Are you willing to swear positively about the year they came?

A Yes, sir.

Q That was in 1866, was it? A Yes, sir, '66 or '67.

Q Was it 1866? A I can't say whether it was slighted hundred or not.

Q You are not positive about that? A I can't tell you anything about the dates, and I didn't suppose I would know anything about '66 like I do, but my daddy was pushing us out down there to get a place for he said for his children.

Commissioner: Your daddy knew he had to go there in '66 did he?

A Yes, sir.

Commissioner: Abram Ward applies for the enrollment of himself and his son Andrew. He is not identified upon the authenticated roll of 1866 by the census roll of 1866 from an examination of the same, but he is identified upon the same by the roll of 1866 and the roll of 1866. He is also identified upon the same by the roll of 1866 and the roll of 1866. He is married to one Caroline Allen, who is now deceased, and whose satisfactory proof as to her name, age, and other facts, his child will be listed for enrollment.

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Freedman on a General Order, waiting further consideration by the Commission. He was notified by mail at his post office address of the Commission, when arrived at.

Bruce W. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce W. Jones,

Sworn to and subscribed before me this 15th of June, 1901.

Witness, C. B. Needles,
Commissioner.

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INTERVIEW

Bruce W. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce W. Jones

Sworn to and subscribed before me this 20th of August, 1901.

[Signature]

Commissioner.

Continuation of taking of testimony in case of ABRAHAM
WARD, C.F.-D.#607.

Former portion taken by Stenographer
Bruce C. Jones.

APPEARANCES:

Mr. Mellette, of Counsel for Applicant;
Mr. W. W. Hastings, of Counsel for Cherokee Nation.

L. A. Bell, being duly sworn by Commissioner Needles,
testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? L. A. Bell.

Q. Age? A. 62 years.
Q. Mr. Bell, when was this railroad, M. K. & T. railroad, built
through this country? A. Well, I don't know. I don't know how many years ago.
Q. When was that first Cherokee payment made after the war? A. 1875.
Q. Do you know whether colored people and all participated in that
payment or not? A. Yes, every colored citizen and whole lot
that wasn't to speak something I don't know.

Q. That was a general payment, you say? A. Yes, that was general payment
intended for relief fund for all people living in the Cherokee Nation
at that time.
Q. Did any colored people get pay at that time?
A. Yes, I know the fact and they were living with the white people.

ABRAHAM WARD, the applicant, called, testified as follows
in his own behalf:

MR. MELLETTE: What is your name? A. Abraham Ward is my name.

Q. Are you the Abraham Ward who is an applicant for enrollment as a
Cherokee Freedman? A. Yes, sir.

Q. Did you know J. L. Ward who has just testified in this case?

A. Yes, sir, I know him.

Q. Did you ever make a statement as testified to by him that you
came here too late to become a citizen? A. No, sir, I did not.

Q. Did you make statement as testified to by him that you came
back in 1894? A. Yes, sir.

Q. Did you hear the testimony of Joe Ward, the last witness?

A. No, sir.

Q. Did you hear his testimony? A. I heard it yes, sir.

Q. Did you hear a statement being said of yourself, mother or
sister to him? A. Yes, sir.

Q. Where is that sister? A. She is dead.

Q. How long has she been dead? A. About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward
after the war? A. I saw him when the Cherokees drew that general
payment, what called freed money.

Q. What year was that? A. I don't remember just what year it was.
It was in '75, though I think.

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File 1th Cherokee Freedmen B-618, Melinda Williams.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, La., October 8, 1901.

In the matter of the application of Abraham Ward et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Hallett & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

O. W. KINGSBURY, being duly sworn by Commissioner Needles, tes-
tified as follows:

Mr. Hastings: What is your name? A O. W. Kingsbury.

Q What is your age, Mr. Kingsbury? A I am 47 years this fall.

Q What is your postoffice address? A Mound City, Lynn County,
Kansas.

Q How long have you lived in and about Mound City? A Ever since
the 12th day of August, 1861.

Q Were you living there in 1865? you have lived there ever since,
you say? A Yes, sir, lived there continuously ever since, made that
my home.

Q What was your father's name? A My grandfather's name was Durbin.

Q Did you know a colored man in Mound City, Kansas, by the name of
Peter Ward? A There was one lived there, yes, sir, by that name.

Q Did you know any of his children? A Yes, sir.

Q Name some of them? A There was Abraham, Berry, Mark, Miner,
Squire, Eliza, Ben, Dave, Clint, George; that is all I can remember
of them.

Q When did you first become acquainted with this family of Wards?

A In the fall of '65.

Q Where were they then? A They lived on a place west of ours.

Q How far was that from Mound City, Kansas? A That was three
miles; it is three miles to my place and their place joined right
west of ours.

Q Joined your place on the west? A Yes, sir, their place cornered
with ours on the northwest.

Q How long did they continue to live from '65 in that immediate
vicinity about Mound City? A From '65, in the fall of '65 I think,
and then in the next spring they moved, taken a lease on the old
gentleman's place, my grandfather's.

Q What was his name? A John Durbin.

Q That was in the spring of '66? A In the spring of '66 they
moved onto our place.

Q When you say "our place" you mean your grandfather's? A Yes, sir,
I mean the Durbin farm now, it is where I live now.

Q How long did they continue to live on that farm? A They
took a lease on our place for four years, to clear up some timber
lands, and they lived there three years and in the fall of '69 the
old gentleman left, that is, he said he was going down to this country,
that was in the fall of '69, and the remaining year of the lease, he
wanted the old gentleman, that is Mr. Durbin, to let one of his boys
live there the year of the lease out, and Mr. Durbin told him that he
was welcome to stay on the place till his time was out, but he didn't
want him to stay in anybody, and Peter Ward said all right.

Q They gave up the last year? A Yes, sir, they gave up the last
year.

Q And they lived there for three years from '66, as I understood
it? A From '66 to the fall of '69.

Q Was there a horse built on the Durbin farm in the meantime? A
There was a stone barn built there in '66.

Q How do you know it was built there in '68; have you anything else besides your own memory? A Yes, sir, the boss mechanic, A. J. Rehney, on finishing the work he placed a rock up over the door with his initials and the year it was erected in.

Q Do you know whether these people were there after the building of this year or not, living there? A Yes, sir.

Mr. Mellette: I think that is a very leading remark.

Q Well now how do you know it? A Mr. Ward was farming our place besides this land, he stored some wheat on our place and he stored some whear and in the fall of '69 he left some whear in our barn and the next spring he came and got it.

Q You know where he was the next spring, where he was living? A He said he had moved down to this country, that is what he said and we supposed he had.

Q Have you seen him since? A I have not; one of his boys was back there since, Abe, but what year I don't remember.

Q What is your occupation? A I am farming and stock raising.

Q You have mentioned a number of Peter Ward's family; did they all leave when Ward left, or about that time? A About that time; I can't say for sure whether the older boys left a short time before or a short time after, but I remember Uncle Peter going away at this time that I spoke of.

Q You remember Abraham Ward living there? A Yes, sir, he lived there every time when he was there, the boys were all at home on the place there.

Q Is your grandfather, Durbin I believe, is he alive? A Yes, sir, he is living, he is quite an old man, he is 88 years old.

Mr. Mellette: I didn't get your name? A C. W. Kingsbury.

Q What is your postoffice? A Mound City, Kansas.

Q How old are you? A I am 47 this fall.

Q How old were you in '66? A In '66 I was 12 years old, I was born in '54.

Q Did you, as a 12 year old boy, pay much attention to dates?

A What do you mean, in what way do you mean?

Q Well I mean exactly what I said; A Well this time that I spoke of, of knowing when Uncle Peter took this lease on our place; this place that he moved onto our place from belonged, when he took the lease on that, to a man named Durbin, and he built a house.

Q Now are you going to answer my question? A Yes, sir, what is it?

Mr. Hastings: If you want to tell him how you get at this date, go on and tell him.

Mr. Mellette: I asked you if, as a 12 year old boy, you paid very much attention to dates? A I remember that distinctly.

Q When were you first asked to appear as a witness in this case?

A I think there was a gentleman at my house twice, the last time I don't remember when, but I think it was along the last days of last month.

Q How long was it after Peter Ward and his family left Kansas, that that man came to you and asked you about these facts? A It was from '69 until 1901.

Q How long is that? A From '69 would be 32 years, if I am not mistaken.

Q Do you remember back then 32 years to the time when you were a 12 year old boy and remember the years that these colored people leased the land? A I do.

Q And when they moved off? A Yes, sir.

Q Where were you living at that time? A I must have lived on the place, I was living the same place I live now, three miles west of Mound City, in Lynn county, Kansas.

Q Is that the only date you can remember about that time that took place in those days? A No, sir.

Q You have lived in one spot all the time? A I have lived continuously, that has been my home on that farm since '61.

Q What impresses the fact on your mind as to when these people lived on that land? A As I said, Mr. Ward was living on a farm that

belonged to Corbin and he had put up a house there, a log house, he wanted to move that house over onto the old gentleman, my grandfather, and my grandfather objected and told him he had better go down in our timber and cut logs and build a house.

Q You know of that? A Yes, sir.

Q You remember that conversation 32 years ago? A Yes, sir.

Q You are giving the exact conversation that you heard 32 years ago?

A I remember the contract and the conversation.

Q Were you a business man at that time? A Well, I wasn't, I don't suppose, considered so legally.

Q Did you conduct business at the age of 12? A In the way of leasing land I didn't, and Mr. Alexander came out from Indiana in the fall of '65 and bought the land then, this land that this gentleman, Mr. Ward, lived on, and then in '66 P. L. Alexander moved on the farm and lived there until the time of his death.

Q Now is it not a fact that Peter Ward and his family left your grandfather's place in '66 because they understood they could get a home here by coming in 1866, that they departed at that time? A I don't think it is.

Q Well, what do you mean by saying you don't think it is? A Well I mean that he lived three years of this lease out there on the farm, that is, living three years on the farm.

Q Was there any particular reason for your remembering that for 32 years, the time that these people when on your grandfather's farm?

A The thing that calls the memory to the time was the fact that Alexander bought the place.

Q And you remember the year he bought the place? A Yes, sir.

Q Do you remember this by talking to your grandfather or somebody else or have you retained it in your own memory? A I have retained it in my mind, by talking to Alexander during his life time.

QQ You have retained it by talking to Alexander? A Yes, sir.

Q You are testifying by what Alexander told you? A I know he came there in '66.

Q I want to know if you are testifying about these dates by what Alexander told you? A I am not.

Q What made you say you remember it by talking to Alexander in his life time? A I remember him moving there in '66 same as I remember I moved to Kansas in '61.

Q Then if Peter Ward and Abraham Ward and the rest of the Wards swear they left Kansas in '66 they are mistaken, are they? A I don't know what they testified to.

Q Who else lived on your grandfather's place after the wards moved off? A At the time they lived on the place there, at one time, not all the time, there was a man by the name of Anderson Turk.

Q When did he move on the place? A He moved on the place sometime in '65, he had been on the place I think a year.

Q When did he move off? A He moved off the place, let's see, about '75.

Q Well, are you swearing he moved off in '75? A He moved up north and bought a place up north, he lived on the place 12 years and moved there in '65.

Q What year did he move off? A About the year 1875.

Q You swear that, do you? A Yes, sir.

Q Who lived on the place besides that man? A Why George Brown lived there.

Q When did he move on the place? A He didn't rent, he just simply rented a room from Anderson Turk and lived there.

Q When did he rent the room? A Why it was sometime, it was in '67 or '8, I am not sure which.

Q Well, which is it, '67 or '8, just as much reason for you to remember that as there was about Peter Ward?

Mr. Hastings: Don't argue that question.

Q What year was it that that man lived on the place? A '67 or '8, I am not sure which.

Q Why can't you remember, if you can remember what Peter Ward moved

on the place and when he moved off? A Brown lived there just a short time and by permission of Anderson Turk.

Q When did he live there? A I think one winter.

Q You don't know when he went on and when he went off? A In the fall season he went in and just wintered there one winter.

Q Who lived on this place in 1876? A There was no one in '76, nobody then but our own folks.

Q Who cultivated it? A The old gentleman.

Q Anybody else ever live on that place? A How do you mean, since '66? A Yes, sir, since '66? A Yes, I think Uncle Ben Ward lived on the place.

Q When did Ben Ward live on the place? A He lived on the place I think it was, let's see, about '67.

Q Now was it about '67, or was it '67? A I am not sure whether it was '67.

Q Why can't you remember when Ben Ward lived on the place? A I am pretty sure it was '67 when he lived on the place.

Q Do you swear positively it was '67 when he lived on the place?

A I am pretty sure of it, I am not positive.

Q Might have been '66? A No, it wasn't '66, because my recollection is that he moved on the place after Uncle Peter did, took another lease.

Q It was '67 then? A Yes, sir.

Q Might have been '68? A Yes, it was either '67 or '68, was either of the two years, it was a year after Uncle Peter moved.

Q You want to be understood as swearing positively that Uncle Peter Ward moved on the place in '66? A Yes, sir, spring of '66.

Q And you were a 12 year old boy at the time? A Yes, sir.

Q Don't you think you have a remarkable memory? A I never considered my memory as anything extra.

Commissioner: Mr. Kingsbury, Mr. Hastings asked you your father's name and you gave your grandfather's name; why did you not give your father's name when he asked you? A My father was in California and my grandfather raised me, I have been living with him ever since I was 7 years old, ever since; my father is dead now.

Mr. Hastings: I had talked to you about your grandfather's place?

A Yes, sir, that is the place that I live on now, and this family lived on is my grandfather's now, he is still living, he is quite an old man.

BYRON OSBORN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Byron Osborn.

Q Mr. Osborn, how old are you? A 49 years old.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City, Kansas? A Well sir, my father settled there in '54, March 20.

Q Have you lived there since that time? A Well, that has been my home, I have been away a year or so at a time, was back in Illinois a couple of years and I was out in Colorado about the mountains about 12 or 14 months.

Q Well, where were you the three or four years after the war? A I was on our place, home.

Q How far was your place from Mound City, Kansas? A Three miles.

Q What direction? A Southwest.

Q How far was that from the Durbin farm? A Well, it is about two miles and a half I should judge.

Q Do you know Mr. Kingsbury, who has just left the stand?

A Yes, sir.

Q He a grandson of Durbin? A Yes, sir.

Q Did you know a colored man by the name of Peter Ward? A Yes, sir, I used to know Mr. Ward.

Q Did you know any of the members of his family? A Yes, sir.

Q Give us the names of some of them? A I know of Abe and I know Bertie and I know Squire Ward, that is about all that I know, he had

other children but I wasn't acquainted with them, I think he had some girls I wasn't acquainted with.

Q Then did you know them? A Well, sir, it was along I think the latter part of summer, they lived in there.

Q About how long did you continue to know them? A Well, the best of my recollection is that I knew them I think probably eight or nine or ten years.

Q I mean did you know them after the war? A Yes, sir.

Q How long after the war did you know them? A Well, I should judge it was, to the best of my recollection, I think it was probably five or six years after the war, four or five maybe, sometime after the war, but I can't state how long.

Q Do you know where they were living? A Yes, sir.

Q What place? A They were living on Mr. Durbin's farm.

Q Do you remember where they went when they left there? A Well I don't know positive, only I have understood they came to the Indian Territory.

Mr. Mellette: How old are you? A 49 years old.

Q How old were you when the war closed? A Well I guess I was about 12 or 14 years old.

Q Now who did you first talk to about knowing anything about these people? A Mr. Keys.

Q Mr. Keys came up into Kansas, didn't he? A Yes, sir.

Q Found you? A Yes, sir, he asked me did I know the Wards and I told him I did.

Q Well was that the first time that anybody had ever talked to you about when the Wards left that country? A Yes, sir.

Q That has been about 32 years ago, hasn't it? A Well it has been a long while, I don't know just how long.

Q You were a boy about fourteen years old? A Yes.

Q Do you think you can remember back to your boyhood days and swear positively when Peter Ward left that country? A I don't swear positively.

Q How far do you swear positively? A Well I know that he was there sometime after the war.

Q You know he was there sometime after the war? A Yes.

Q Can you remember the events and the succession of facts as they happened thirty years ago when you were a boy? A Well some things I can.

Q Well, do you think this is one of the things? A Well I remember that Mr. Ward lived there, he had a boy by the name of Abe who used to work for my father sometime after the war, he worked on our place, but I can't say positively what year it was.

Q You don't know when he worked on your father's place? A I don't know what year it was, it was sometime after the war, quite a while.

Q And you don't know when he moved to Mr. Durbin's place? A No, sir.

Q Can't you remember the year he worked on your father's place?

A No, sir, not positive.

Q When did they stop fighting up there in Kansas? A Along about, I think the last fight they had was when Price went through, I think the latter part of '66 or '65, along there.

Q '66, was it? A Or '65.

Q You say they had a fight up there the latter part of '65, that Price went through there? A No, I didn't say '65.

Q The latter part of '65 or '66? A The latter part of '66 or '65.

Q The latter part of '66 or '65, you say that? A I saw either the latter part of '65 or '66, sometime along in there that Price went through there.

Q Don't you know that Price made his raid through there in '65?

A No I don't hardly believe he did.

Q And don't you know that General Lee surrendered to General Grant in April, 1865, and that there wasn't any fighting any place after April, '65? A Well it might be, but the war wasn't closed entirely.

till about '65.

Q Yes but you say Price made his raid through there in '65 or '66?

A I meant '64 or '5.

Q What made you change? A Well, I just made a mistake.

Q Who talked to you after you came? A Nobody.

Q Well Mr. Hastings here consulted you, didn't he? A He asked me some questions.

Q Was Mr. Kingsbury present? A Yes, sir.

Q Who else was present? A There was lots of gentlemen there.

Q All you witnesses who came down in that case were present and talked to together? A Well they asked me some questions.

Q Now when you were being consulted you and Mr. Kingsbury and the other witnesses in this case were all sitting in the room and heard what went on here? A I think maybe I did hear a part of Mr. Kingsbury's testimony, I wasn't in there all the time, I don't know anything about when Mr. Ward left that country, I can't swear positive, but I am satisfied that he was there several years after the war closed.

Q But then if you think that Price made his raid through there in '65 or '66 you may be mistaken when the war closed? A I meant '64 or '65.

Q Do you say that Price did make his raid through there in '64 or '5? A I wouldn't say positive.

Q You wouldn't say positively about that? A No, it seems to me it was in that time.

Q You were a boy? A Yes, I was a boy.

Mr. Hastings: You were summoned here as a witnesses on the part of the Cherokee Nation, weren't you? A Yes, sir.

Q I consulted you with a number of other witnesses down there?

A Yes, sir.

Mr. Mellette: How were you summoned here on the part of the Cherokee Nation? A By subpoena.

Q Who served the subpoena on you? A Mr. Campbell left it at my farm.

Q Who is Mr. Campbell? A His name is Neve Campbell.

Q Where does he live? A He lives in Mound City, Kansas.

JC EPH L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Joseph L. Ward.

Q What is your age, Mr. Ward? A 56.

Q What is your postoffice? A Maysville, Arkansas.

Q You live in the Cherokee Nation side there? A Yes, sir.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q Mr. Ward, what was your father's name? A James Ward.

Q Did your father ever own a colored man by the name of Peter Ward?

A No, sir, my grandfather owned him.

Q You know Peter Ward then? A Yes, sir.

Q Before the war? A Yes, sir, he married a negro woman my mother owned.

Q He had some children? A Yes, sir.

Q You remember any of their names? A Yes, sir.

Q Well, give us some of them? A Abraham was the oldest, Berry, Margaret, Miner, Squire, Eliza, Dave, and Clint, is all they had when they left there that I know of, that I remember.

Q Did they live there when the war came up? A Yes, sir, in '63 as well as I can remember.

Q Did you ever afterwards see them? A Yes, sir.

Q Where did you next see them? A In Mound City, Kansas.

Q When was that? A In the fall of '65, October.

Q Now when did you next see anyone of this family? A The next time one of them was here in Mound City just after that payment, the first payment of the Cherokee, I don't remember the exact date.

Q You don't remember the exact date? A No, sir.

Q It wasn't this last colored payment? A No, it was the first payment that was had after the war.

Q You don't remember the date of that payment? A No, I don't remember the date.

Q Was this railroad through here at that time? A I think so.

Q Well, which one of them did you see at that time? A Abraham.

Q Did you have any conversation with him? A Why yes, he told me that he didn't get any money, that he came too late.

Q He say where he was living at that time? A Living out here on Big Creek, up here in Cooweescoowas.

Q You remember when he said he came? A No, I don't, positive, it seems to me he told me he came here in '69, that is my best recollection.

Q Did you see any other members of the family at the time? A No, sir, not that I remember.

Q Have you talked with any of them since that about it? A No, sir.

Q You live quite a distance from them? A Yes, sir, I live about fifty miles southeast of here, and they live northwest.

Q You don't remember the date of that payment? A No, I don't remember the date of it, somewhere in '70 but I don't know exactly what date it was.

Mr. Mellette: Well, did any of the colored people get the payment at that time? A I don't know, I don't think they did.

Q Don't think any of them got it? A I don't know, I don't remember, of course I can't state.

Q You wouldn't swear that he told you he came here in '69, positively? A Not positively, but that is my best recollection.

Q Well, that has been a long time ago, hasn't it? A Yes, sir.

Q You ever been arrested? A I don't know that that cuts any figure in the case.

Commissioner: Please answer the question.

A Why yes.

Mr. Mellette: What were you charged with? A I was charged with ~~charging~~ an unlawful fee in a pension case.

Q That all? A And detaining pension money.

Mr. Hastings: What was done with the case, Mr. Ward? A Dismissed.

JOHN L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John L. Ward.

Q What is your age, Mr. Ward? A Age is 50.

Q What is your postoffice? A Mayesville, Arkansas.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q You live on the Cherokee side of the line? A Yes, sir.

Q What was your father's name? A His name was James Ward.

Q Did you know a colored man by the name of Peter Ward? A I did when I was a boy, I haven't seen him since.

Q Did he have some children? A Yes, sir.

Q You remember any of their names? A Yes, I recollect most of their names, there was Margaret and Abraham, Louise was the old lady's name.

Q We want to identify the family, name some of them? A Margaret and Abraham and Berry and Miner and Ben I think and Dave and Elize and Clint.

Q Did you ever see any of them after the war? A I never saw but one of them, yes I have seen them too, I seen Squire here the last court one they call Dick or Squire.

Q Well which one did you see first after the war? A That was Miner.

Q What was her name then? A Now I think she called her name.

Q Where did you see her? A Up here between here and Chatopa, Big Creek I think it was.

Q Between here and Chatopa? A Yes, sir.

Q In what district? A In Cooweescoowee I guess.

Q Did you have any talk with her? A Yes, sir.

Q About when was that talk? A Sometime in the sixties, '65 or '6 or '7, somewhere along there, I don't recollect just the year.

Q Now think over the date, do you mean '60? A '70 I mean '70, something in '70, I have got it wrong, '60 I said, it was sometime in '70.

Q You say it was sometime in '70? A Yes, sir.

Q You know whether it was before or after this railroad ran through here? A Yes, sir, it was after this railroad ran through here.

Q This M.K. & T.? A Yes, sir.

Q Well, what conversation did you have with her? A We stopped there where she lived and she called up a couple of boys that she had and she told me their names, she called one of them Grant and the other one Sherman, and ~~then~~ then she sent a crazy negro down in the field for her husband, and she said she wanted to know what they were going to do about them, she said they got back too late; I said I didn't know what they were going to do, and that is about all the conversation I had; I asked them about the family, where they lived; they were all around there except one of them, there was one had never come back, that is my recollection, I don't know which one now.

Q Who was with you at the time? A Well, my brother, we had been up to Coffeyville with some apples and came back by there and stopped.

Mr. Maillette: You say you asked them about the family? A Yes, sir.

Q Talked a good while with them I suppose? A We stopped there about half an hour or an hour.

Q Where did she say her father was? A He lived there somewheres.

Q Where? A Up here about Big Creek.

Q Where did she say Abraham was? A He was there.

Q Where? A Up in there, right close there, I was asking how they all were getting along.

Q How many years ago was that been? A Along in '70 sometime.

Q '70 when? A Between '75 and '77.

Q What made you say it was in '60 first? A I just miscalled it.

Q Wasn't it in the sixties? A No, sir.

Q Don't you know it was in '66? A No, sir.

Q Between '66 and '77 and '8? A It wasn't in '66.

Q Why wasn't it? A Because this railroad was built through here.

Q When were you first called upon to remember this? A Well, it was down here in this rock house down here.

Q How long ago? A I don't remember.

Q When Mr. Wallace made this roll? A No, sir.

Q When Mr. Kern and Clifton made the roll? A It was when this negro attorney was down there, I don't know his name.

Q How long ago? A I don't remember just now.

Q About how long ago did you first remember that she said she was too late? A It was when we were up there, is all I know about it.

Q About how long ago, I want to find out when it was? A The reason I think it was about seventy, because I was married in '78 and it was before I was married.

Q How many years before you were married? A Two or three.

Q Two or three? A I don't remember just exactly, it was so long ago you can't recollect, I can't recollect the exact dates.

Q That is what I am thinking about, unless I have something to impress it on my mind; nobody called on you to remember what they said for twenty or thirty years afterwards? A No, I wasn't called on until I was summoned here before this court.

Q This time? A No, that other time.

Q What time was that? A I don't remember; you may recollect the date Mr. Hastings.

Q Who were making the roll at that time? A Hastings and Thompson and there was a negro there, an attorney, I forget his name.

Q You can't give any idea what that date was and you; why can't you remember the date you were first called on to testify to this fact

as well as you can remember when she told you she came here too late?

A I never paid much attention to it.

Q Did you pay much attention to when she said she came here too late? A Yes, I recollect by the trip we made and I got to counting it up.

Q After thirty years you got to counting it up, did you? A It wasn't thirty years.

Q Well, twenty? A Let's see, it was over thirty years I guess.

Q It was over? A It was in seventy something.

Q Well how many years has that been? A Well I can count, this is 1901, you can count yourself.

Q Why I am not going to do it, I asked you how many years it was?

A Thirty years from seventy, and then it was along in '70, well I don't recollect just exactly the year though, it was before '77, sometime between '70 and '77, I don't remember just exactly the year, I don't propose to swear something I don't know.

Q Well you give it up then, you can't tell how many years it has been? A I don't recollect the exact year.

Q And you can't tell the year you were down here in the rock building and when Mr. Hastings and Mr. Thompson were making the roll? A No, I don't recollect the exact year.

Q Was it 1895? A I don't remember.

Q 1890? A (No response.)

Q Was it 1890? A No, sir, it wasn't then.

Q When was it? A I don't know just when, I don't recollect the year.

Mr. Hastings: That was the first time you had seen these old slaves since the war, when you had this conversation? A Yes, sir, and then during this Court I was sworn when I was up here last Court.

Q Are you summoned here as a witness this time? A Yes, sir.

Q Were you summoned when you testified before when I represented the Nation in part? A Yes, sir.

Q You remember Mr. Thompson was a member of the Court at that time? A Yes, sir.

Q You remember the other two members of that Court? A I don't recollect them.

Taking of testimony continued by stenographer J. O. Rosson.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of October, 1901.

[Signature]

Commissioner.

Continuation of taking of testimony in case of ABRAHAM
WARD, C.E.-D.#607.

Former portion taken by Stenographer
Bruce G. Jones.

APPEARANCES:

Mr. Mellette, of Counsel for Applicant;

Mr. W. W. Hastings, of Counsel for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles,
testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A. L. B. Bell.

Q Age? A 52; Vinita.

Q Mr. Bell, when was this Vinita railroad, M. E. & T. railroad, built
through this country? A '71.

Q When was that first Cherokee payment made after the war? A '75.

Q Do you know whether colored people and ~~all~~ participated in that
payment or not? A Yes, every Cherokee citizen and whole lot
that wasn't.

Q That was a general payment? A Yes, that was general payment
intended for relief fund for all people living in the Cherokee Nation.

MR. MELLETTE: Did any colored people get pay at that time?

A Yes, I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called, testified as follows
in his own behalf:

MR. MELLETTE: What is your name? A Abraham Ward is my name.

Q Are you the Abraham Ward who is an applicant for enrollment as a
Cherokee Freedman? A Yes, sir.

Q Did you know J. L. Ward who has just testified in this case?

A Yes, sir, I know him.

Q Did you ever make a statement as testified to by him that you
came here too late to become a citizen? A No, sir, I did not.

Q Did you make statement, as testified to by him, that you came
back in '69? A No, sir.

Q Did you hear the testimony of John Ward, the last witness?

A No, sir.

Q Did you hear his testimony? A I heard it yes, sir.

Q Did you hear a statement being said of yourself, mother or
sister to him? A Yes, sir.

Q Where is that sister? A She is dead.

Q How long has she been dead? A About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward
after the war? A I saw him when the Cherokees drew that general
payment, what called bred money.

Q What year was that? A I don't remember just what year it was.

Q Well, that is strange? A It was in '70 though I think.

Q Where did you see him? A '78 or '9; saw him right here at Vinita

Q '78 or '81? A Yes, sir.

Q Along there; saw him here at Vinita? A Yes, sir.

Q You didn't talk with him? A Yes, we was talking about our
boyhood times.

Q Talked to him where you had been? A No, sir, he knew where I
had been.

Q He was your young master? A Yes, sir, he and him was about one
age.

This testimony will be made part of the record in cases
D.#606, D.#610, D.#611, D.#613, D.#615, D.#616, D.#617, D.#618,
D.#619, D.#621, D.#622, D.#623, D.#625, D.#626, D.#628, D.#629.

J. O. Henson, being first duly sworn, states that as sten-
ographer to the Commission to the above mentioned tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and correct transcript of his stenographic
notes thereof.

Subscribed and sworn to before me this 10th day of October, 1906.

we went on.

Q You saw three Wards up there? A Yes, sir, I remember the three.

Q You don't know how long they had been there? A No, sir.

Mr. Hastings: You hauled Jess Brown up in your wagon? A Yes, sir.

Commissioner: This testimony will be made part of the record in Freeman cases D-608, D-610, D-611, D-613, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-625, D-626, D-627.

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above cases, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 21st of October, 1901.

[Signature]
Commissioner.

20018.

file with Cherokee Freedman, D-618, Malinda Williams.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 2, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mellotte & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JOHN B. BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John Brown.

Q J. B. Brown? A Yes, sir.

Q What is your postoffice? A Springer.

Q What in the Territory? A Yes, it is in the Territory.

Q You are a Cherokee Indian by blood? A Yes, sir.

Q What is your age? A I am 52.

Q You married a Choctaw, or Chickasaw? A Married a Chickasaw.

Q How long have you been down there? A I moved down there about two years ago.

Q When did you come back to the Cherokee Nation after the war?

A We landed back in the Cherokee Nation in the fall of '65.

Q Where did you live during the year of '66? A We were down there on Grand River.

Q Where did your father live in '67? A He was on Pryor Creek, I think he lived on Pryor Creek.

Q Do you know a colored man by the name of Peter Ward, and Abraham Ward? A Yes, sir.

Q When did you first see them after the war? A To the best of my recollection, I saw them in '68 in Kansas near Mound City.

Q What were you doing up in Kansas? A There was an old negro that my father owned, lived with him, I met him down here, and he had a pension coming to him and I went with him up there to draw this money and I found these people there in Ottawa, we went to Ottawa, Kansas, to draw this money and there is where I saw these people.

Q Who did you go with? A Jess Brown and Jess Marcus, and there I saw old Uncle Peter Ward and Abe and Berry, there was younger ones but they were smaller, I got acquainted with them three.

Q Were they living there at the time? A Yes, sir, they were living there.

Q Living in town or on a farm? A No, they were living on a farm out a little piece from Mound City. Mound City, as well as I recollect must be about 40 or 50 miles of Ottawa, Kansas.

Q About what time in the year did you see them there? A It was in July or August, I remember they were cutting wheat when I was there.

Q Summer time? A Yes.

Q Well, about how long did you stay around there? A I don't know how long, I don't remember how long, we stayed a while at Mound City and then went on up to Ottawa and stayed there quite a while, we didn't get the money when he first went there, we had to wait on account of some papers wasn't fixed up right, and we had to stay there, I would not say positively how long it was.

Q Was you at Peter Ward's house? A I can't say positively; you see there was a whole bunch of them lived around there, and I went to several of the houses around there and when they had preaching there while I was there and I went to church and seen them; they all came that I was an Indian and they came in to see me and talk with me.

Q You were with these colored men, two colored men? A Yes, sir, I

was with Jess, his mother was living there and his brother was there.

Q His mother and brother? A Yes, sir, mother and brother.

Q Did you see Abraham Ward? A Yes, sir, yes, sir.

Q You remember distinctly seeing him? A Yes, I remember him very well.

Q Well now did you meet anybody after you came back home, after you came back to the Cherokee Nation? A What do you mean; when I came back who did I meet?

Q Yes, if anyone? A No, I left them over there, they never come back.

Q Did you meet any of the Couches? A Yes, sir, Sam Couch and Pete Couch had just moved from Texas and I moved on Pryor Creek, they just had moved in, I just had come back from this trip and met them on Pryor Creek.

Q Now how many wards had you seen up there, you saw Peter and Abe and Berry? A I remember Peter, that is Abraham's father, Uncle Peter we called him, and Berry and Squire, not Squire, no, Abraham, them three I remember.

Q There were others but you don't remember? A Yes, there were other boys, I got acquainted with them after they moved back later on, but I don't remember seeing them up there like I do these other men, I knew them after I met them after they came back I knew who they were.

Q Did they say anything about having been back down here after the war before that? A No, sir, never said anything about that, they told me ~~when~~ they were coming back just as quick as they could come, everyone I seen was talking about coming back.

Q Where did you live in '66? A We were down on the Adair place, some called the Adair place and used to be known as the Alex McDaniel place.

Q Where were you in '67? A We were there in '67.

Q Where were you in '68? A Then we went on Verdigris, we had moved over there to Verdigris.

Q And that was in '68 you went up there? A Yes, in '68 I went to Kansas.

Mr. Mellette: You say you saw these wards up there in Kansas at church? A Yes, sir.

Q How long did you stay in Kansas that fall? A I can't tell you how long I was there.

Q You didn't lose your citizenship by going up there to Kansas?

A Didn't lose my citizenship, no, sir.

Q How long did you stay there, you say? A I don't remember, might have been there two, three or four weeks.

Q You didn't go to their house? A Yes, sir, I went to old Uncle Peter Ward's house.

Q Why didn't you say just a while ago that you did go to their house? A I said I went to several homes there, they lived all around in that country at different places, and I had been meeting them one day and another while I stayed there.

Q What were you doing while you were up there? A I went up there with this old Jess Brown to get his money.

Q Where did you have to go to get his money? A Went to Ottawa, Kansas.

Q How far is that from here? A I don't remember how far it is.

Q About how far? A Oh, it is a long ways.

Q How far did they live from Ottawa? A As well as I remember, it must be forty or fifty miles, they were living at Mound City to the best of my recollection.

Q What were you doing at Mound City? A There is where Jess's brother and mother lived, we landed there first.

Q What did you stay there for? A He wanted to see his mother, I stayed with him.

Q Did you have to stay with him? A Of course I had to stay with him, I went with him, whenever he got ready to go on up to Ottawa

- 3 -
we went on.

Q You saw three wards up there? A Yes, sir, I remember the three.

Q You don't know how long they had been there? A No, sir.

Mr. Hastings: You hauled Jess Brown up in your wagon? A Yes, sir.

Commissioner: This testimony will be made part of the record in Freeman cases D-608, D-610, D-611, D-613, D-625, D-618, D-618, D-618, D-618, D-621, D-622, D-625, D-625, D-626, D-605.

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce O. Jones

Sworn to and subscribed before me this the 21st of October, 1901.

Commissioner

Commissioner.

This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-605, and also in U. S. cases D-623 and D-693 and their subreferences.

Chas. von Weise, being first duly sworn, states that he is stenographer to the Commission to the five civilized tribes, he reported by power all the proceedings in the above cases and that this is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 17th of October, 1901.

Commissioner.

Q Did you have any business at Cherokee? A No sir.
Q Were you ever arrested in Kansas? A No sir.

File with Malinda Williams et al., U. S. D. 618

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, La. T. October 15, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel
Thompson et al., U. S. D. #806.

Appearances:

James S. Davenport for the Cherokee Nation
Mellette & Smith for the said applicant.

T. T. Thompson, being first duly sworn by Com'r T. H. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A T. T. Thompson.

Q Where do you live? A 5 miles south of Winita.

Q What is your age? A 64.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.

Q Did you know him before the war? A Yes sir.

Q Do you know where he went during the war? A I think he went north to Kansas.

Q Where did your family go during the war? A To Red River.

Q Cherokee Nation? A Chickasaw Nation.

Q When did you return to this country? A In the fall of '66, in October.

Q Did this applicant go with your family? A He never was with us during the war.

Q When your family returned to the Cherokee Nation where did they locate? A On Grand river, 12 or 15 miles east of here.

Q How far from where they had originally lived? A Some place.

Q Was the applicant there when you returned? A No sir.

Q When did you first see the applicant after the war? A Here in Winita, I can't tell exactly the time.

Q With reference to the time the railroad was here when was that? A The Katy was here I think.

Q About what year was that? A As well as I remember it was in '61 or '62.

Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir.

Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.

Q Where was he living at that time? A On Big Creek, he told me.

Q Did he say when that he had been living on Grand river at the old place? A No sir.

Q You had always lived on the old place since your return? A Yes sir.

Q Same place you lived on prior to the breaking out of the war? A Yes sir.

Q Had the applicant been there about the war - to your house? A Not that I know of.

Q You saw him here in Winita for the first time after the war? A Yes sir.

Q Did he come to your house at that time? A He came to my father's house and stayed a few days with my father.

(By Smith)

Q What was your father's name? A Johnson Thompson.

Q Is he a Cherokee? A Yes sir.

Q By blood? A Yes sir.

Q I recognized applicant of the Cherokee Nation? A Yes sir.

Q Did he go to Daniel Thompson before the war? A Yes sir.

Q Was Daniel Thompson with him when the war commenced? A Yes sir.

Q That time did you get back here after the war? A October, '66.

Q You came to what place? A On old place.

Q How far from where? A 12 or 15 miles.

Q How old was he then? A 15 years old.

- Q Just a boy? A Yes sir.
- Q From the time that you came back to your old place, for the following two years, where were you? A I was there. I went to school one or two sessions at Pea Ridge, Arkansas.
- Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.
- Q All you know is that the first time you saw him was in '71? A Yes sir.
- Q You don't know how long he had then been in the Cherokee Nation? A No sir.
- Q You don't know where he was during the war? A No sir.
- (By Davenport.)
- Q When were you at school? A In '67, in the fall.
- Q You was at home then from '66 to the fall of '67? A Yes sir.
- Q You never saw the applicant there then? A No sir.
- Q Never heard of him being there did you?
- BY MR. SMITH: I object to him stating what he might have heard.
- (By Smith on witness.)
- Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.
- Q Before that time you don't know where he was? A No sir.
- DAVID STINGER, being first duly sworn by Col. F. B. Needles, testified as follows on the part of the Cherokee Nation:
- (By Davenport.)
- Q What is your name? A David Stinger.
- Q Where do you live? A On Big Creek, Cherokee Nation.
- Q How old are you? A 50.
- Q How long have you lived in the neighborhood of Big Creek in the Cherokee Nation? A About 26 years.
- Q Do you know the applicant here, Daniel Thompson? A Yes sir.
- Q How long have you known him? A Since '72.
- Q Where did you first see him? A I saw him in the territory on the east prong of Big Creek.
- Q What was he doing when you saw him? A Just coming back from a farm there.
- Q Did you have a conversation with him then? A Yes sir.
- Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, but thought he would come back because he was owned here—thought he would come back home he called it.
- Q Did he have a family with him then? A Yes sir.
- Q What year was that? A I think in '72.
- Q What improvements had he made then? A Nothing, he was just in a wagon there.
- Q Did he say when he had gone to Kansas? A No, I don't know anything about that.
- Q Was anything else said about his having been in the Cherokee Nation before that? A I don't think there was.
- Q How many children did he have then? A Two.
- Q What were their names? A Sandy and Mary.
- Q Were they both with him? A Yes sir.
- Q Did he afterwards make a place there? A Yes sir.
- Q Where has he been living almost? A Right there all the time.
- Q What year was this you say he came there? A '72.
- (By Smith.)
- Q How long has he been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.
- Q How long had you been there in '71? A I came there in '71.
- Q Where from? A Peoria, Illinois.
- Q Had you ever been in the Cherokee Nation before '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.

Q You don't know where he was in '69? A No sir.

Q Or in '68? A No sir.

Q Or in '67? A No sir.

Q Or in '66? A No sir.

Q Or in '65? A No sir.

Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.

Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.

Q You don't know when he first came here after the war? A No sir, only that time.

Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)

Q Was he living there when you came there in '71? A No sir.

Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A William Noble.

Q Where do you live? A On Big Creek, Indian Territory.

Q Cherokee Nation? A Yes sir.

Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.

Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Good many years, I can't say exactly how long, I think he moved in there on Big Creek right close to me, I think he came from Kansas there in the fall of '73, and he has lived there ever since.

Q Did he settle a place there when he came down? A Yes sir.

Q How far from you? A Two and a half miles.

Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.

Q Did he have his family with him? A Yes sir.

Q Children? A Wife and three children.

Q Did you have any conversation with him? A Yes sir, he told me he just moved in from Kansas.

Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Jolison Thompson and that he was going to see him.

(By Sells)

Q When did you first come to the Cherokee Nation after the war? A In '64.

Q Were you in the army? A Yes sir.

Q When were you discharged from the army? A I was discharged, I think it was in '62.

Q In what? A '62.

Q Were you discharged before the war closed? A No sir.

Q But you think it was in '62 that you were discharged? A I believe it was.

Q In '61 maybe? A Somewhere along there.

Q Somewhere in '61 or '62? A Yes sir.

Q You testified Sunday last in the court that you didn't know if

Q Didn't you say then that you were discharged in the year '62?

the army? A I dont think I did, I think I said I didn't know exactly.

Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.

Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '62.

Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.

Q When did the war close, what year? A I think it was in '61, wasn't it?

Q When did it commence? A You are just a little ahead of me when it commenced, I dont recollect it.

Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time the war was over.

Q What did they discharged you for the first time? A Three years service.

Q Then you went back the second time? A Yes sir.

Q How long did you stay then? A Two years.

Q How long did that war last? A Five years, wasn't it?

Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.

Q What year did you get here? A In the spring of '66.

Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.

Q And you are certain you were discharged from the army after the war was over? A Yes sir.

Q And you got here in '66? A Yes sir.

Q Now, how did you do that? I went from Louisville, Kentucky where I was discharged, to Iowa, and from Iowa to Kansas and from Kansas here.

Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '72.

Q You dont know how long he had been here before that? A No sir.

Q You dont know when he came ~~here~~? A No sir, except when he came to Big Creek.

(By Davenport)

Q You dont know when the war began? A No sir.

Q Nor when it closed? A No sir.

Q Had Dave Stinger come to your place before Daniel Thompson come on Big Creek? A Yes sir.

(By Smith)

Q Where did you go after you were discharged? A Iowa.

Q Where did you go then? A Kansas.

Q Where did you stop in Kansas? A Neosho Falls River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.

Q Did you have any trouble up at Chatopa? A No sir.

Q Were you never arrested in Kansas? A No sir.

Q Do you remember a man named Gage in Chatopa? I dont remember, I am not acquainted with him.

Q Didn't you have any trouble with him and get arrested? A No sir.

Q Didn't he have you arrested? A I dont think so.

Q Don't you know? A I know I wasn't arrested there.

Q Have you ever been arrested at all? A Yes sir.

Q Where? A In the Cherokee Nation.

Q What for? A Cattle stealing.

(By Davenport)

Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didnt find any bill against me.

(By Smith)

Q Are you a citizen of the Cherokee Nation? A Yes sir.

This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-608, and also in O. F. D. cases D-623 and D-693 and their subreferences.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this 17th of October, 1901.



Commissioner.

RECEIVED NOV 22 1901

File with case of Malinda Williams, et al., C.F.-D.#618.

Supl.C.F.-D.#607.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CHEROKEE
Freedmen of ABRAHAM WARD, ET AL., the following supplemental testimony is offered on part of applicants:

APPEARANCES:

Mellette & Smith, Attorneys for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

STEPHEN RIDGE, being duly sworn by Commissioner Needles, testified as follows:

MR. SMITH: State your name? A My name is Stephen Ridge.

Q How old are you? A I am 80 years old.

Q Are you a colored man? A Colored man?

Q Yes? A Yes, sir.

Q Where do you live? A I live in Mound City, Kansas.

Q How long have you lived there? A Oh, about 37 years.

Q In what year did you go there? A I went there in '64.

Q In what time in '64, what season? A Well, I got up there September 12th.

Q To what place now do you refer? A Mound City.

Q What is your business, what do you do? A Well, I have done a good many things for a living, but I was employed by the Second Baptist Church there; that is in '65, in the month of May I took charge of the Second Baptist church there.

Q In what year? A In '65 in May.

Q Well, in what way did you take charge of it; what did you do?

A I preached the best I knew how.

Q You are a preacher are you? A Yes, sir.

Q Well, did you know a Peter ward there? A Yes, sir, I know him.

Q When did you first get acquainted with Peter ward? A I was slightly acquainted with him down in Arkansas.

Q When did you first get acquainted with Peter ward? A We was slightly acquainted as I stated down in Arkansas; no, I will take that back if you will please, I got little kinda off, I can't keep memory like I used to.

Q Just tell us when you got acquainted with him? A We was slightly acquainted in the old Territory; wasn't that right; was it.

Q Just stop now and tell us when you first knew Peter Ward?

A Well, I was correct after all.

Q Ever know Peter Ward in Kansas? A Yes, sir.

Q How long had you been up there in '64 before you became acquainted with Peter Ward? A Oh, I became acquainted with him the first month I went there; that was in '64.

Q About how long did you know him there in Kansas? A Oh, I know him all the while; while he was there until he come away.

Q Well, about how long was that? A Oh, I guess not over a year or after I got up there; that is as long as we lived together. Well, if you will let me state it.

Q Go ahead now? A Well, the way this come up; Now I got as well acquainted with him was there as I told you, the church got me, employed me for a preacher and he was then a member of that organization and was a deacon in that church and you recollect we had out monthly meetings to transact our business there once a month and of course we had a great deal of business together; that is the way I became as well acquainted with him. We was both members of the same church.

Q Do you know what the last business was that Peter Ward transacted there in that church, or when it was? A Yes, sir. He was with us the 17th day of June, '66; that is the last time he transacted business with us.

Q The last time he transacted business with you in the church?

A Yea, sir.

Q What did you do then? A We elected another deacon in his place.

Q What business was it you transacted on the 17th day of June, '66?

A Well, the reason I remember so well about that, I remember being the last, in receiving a member into the church we, he took a stand against it; that is what keeps me in remembrance of it so well, and it was the last transaction in the church.

Q Have you any book or church record? A I have got that first little book we had, but I haven't got it in my pocket; I had it in the forenoon and went down to dinner and thought I wouldn't have no use for it and left it in my valise.

Q By what did you fix the dates of these church meetings and matters that you have talked about?

Mr. Davenport: I object to that unless you get the book up here.

A The first time the church meetings was for a while we always had out church meetings on the Saturday before the first Sunday in the month and then we changed it, I requested the church to change it to Saturday before the Second Sunday on account of the other organization I had joined.

Q Well, after that time in June, '66 that you speak of, what became of Peter Ward; do you know whether he remained in that neighborhood, or did he go away from that neighborhood? A I heard he came to the Territory.

Q Did you ever see him there any more? A No, sir, I never saw him there any more; didn't see him any more--oh, I don't know for several years.

MR. DAVENPORT: Who is this you are talking about? A Peter Ward.

Q What Peter Ward? A Why Peter Ward that's dead, I know.

Q Just Peter Ward? A Yes, sir.

Q Did you ever see more than one Peter Ward in your life?

A No, sir.

Q You saw one in Arkansas? A That is the same one.

Q How many children did Peter Ward have? A Oh, I don't know.

Q Did all his children go away when he did or not?

A I don't know whether they all went away at the same time or not; I know they all left.

Q All left eventually? A I would not swear that.

Q Have you been living there at Mound City, Kansas, continuously since that time? A Yes, sir.

Q Don't you know that one of his family lives up there now and has been since the war; one of his boys? A I don't know; which one?

A I am asking you if you know? A Oh, no, I don't know.

Q What boys do you know? A I know some of the older ones.

Q What is one of the older one's name? A There was Harry and Abraham and Squire, I know them all, and he had one named Ben and he had one I won't be positive, but I tell you I know them, and another one was.

Q That is the last time you saw Peter in the church? A Yes, sir.

Q You have been custodian of the church books ever since that time?

A No, no, we had Clerks.

Q Have you been Pastor in charge of that church ever since 1866?

A No, sir.

Q Have you lived in Mound City all the time since that time?

A Yes, sir.

Q Who do you know up there? A I know quite a number of folks.

Q Do you know J. B. Brown, up there? A What J. B. Brown.

Q Just J. B. Brown is all I know. A I know one Brown.

Q Well, do you know a fellow by the name of J. L. Ward that lives up there? A What is he?

Q He is a white man or Indian? A I know Mr. Ward.

Q Well, do you know B. Osborn? A Buy Osborn, I know him.

Q He lives there in Mound City.

Q Well, do you know C. W. Kingsberry? A There is a man that lives about there, about three miles above Mound City, I know him by name perfectly well, but I never got so well enough acquainted with him to know him when I see his face but I know there is such a man as that.

Q When did you look up that church record to see when the last time Brother Peter Ward officiated with you? A I just looked it up here about a week ago.

Q Where had that book been all the time? A I had it in my possession.

Q You made the entries in the book? A No, sir, I told you we had a clerk and he was not a member of the church and then we had, or rather thought we ought to have a clerk that was a member of the church and then they elected a man by the name of Sam Clark, he is dead now and after he left he left and went down to Iola, or some place.

Q Well you don't know where Ward went after he left there? A I don't know no more than what he said; said he was going to the Territory.

Q When was that? A That was in '66.

Q How do you know it was in '66? A Because.

Q Does your book say that? A Yes.

Q Your book says Ward had resigned because he was going to the Territory? A No, the book don't say so, but I noticed this in order to find out about the time when Peter Ward left there, I remember; I say it was the 17th day of June, as I stated. It was the 17th day of June and when I found I remembered when looking over it, I noticed that that was the last time Brother Ward was there with us to transact business and it was on the 17th day of June, '66; but he never was with us any more after that in our transactions in the church and of course that give me a very good reason to believe that he came right off because he had been talking of it before.

Q You don't know that he moved at once to the Territory? A I don't know; that is, I don't know what day he left on; I know he never was with us in church meeting after that, and I have always believed he come right straight to the Territory because I never saw him any more; after he had been up there in the neighborhood he would have been in the church meetings.

Q You are just imagining that? A I know that because he was a faithful member and never missed.

Q Did your members attend all the time or did some of them backslide? A I could not tell you much about that, because we always has some little back-sliding in the churches and of course we didn't keep track of it all the time.

Q Where was it in Arkansas you saw this fellow? A We met in Mayesville; well, we wasn't well acquainted then as we might have been, but remember when we met here in Kansas that we had met before.

Q Well, where was you living when you met this man at Mayesville, Arkansas? A I was living on Honey creek.

Q In what country? A In the Indian Territory.

Q Are you a Freedman? A I am a Freedman, but I have about give it up because you have took such stand here against us freedmen, and because we lived a little while in Kansas, we could not live here; I have spent about a hundred dollars to get my name on, and did have my name on the Wallace roll and when I come to find it could not find it.

Q Did you get your name on the Kern-Clifton roll? A No, sir, I didn't know when was the proper time, I come too late.

COM'R NEEDLES: Had Peter Ward been talking to you about coming to the Territory? A Yes, sir, he talked it all around there, it was known all over the neighborhood he was coming to the Territory and of course we calculated when he left there that he come to the Territory and I believe that with all my soul.

MR. DAVENPORT: He has been talking to you since you have been down here this time? A We talked a good deal, we always do when we meet; I have been down here several times before since he come, but I didn't meet him after he come down here, I expect it must have been five or six years afterwards. Well, the first time I met him was when I come to get my name on the Wallace roll after he come.

(Application is continued until the witness can send and get the book of which he has been referring.)

Q In giving your testimony a while ago when you referred to your church book, is the name of Peter Ward shown in the book on the date you referred to as fixing the date that he last officiated with you at the church? A No, sir.

Com'r Needles: This testimony will be made part of the record in the case at bar and part of the record in D)608, D610, D-611, D-613, D-425, D-615, D-616, D618, D-619, D-621, D-622, D-623, D-625, B-626, D-605.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this November 6th, 1901.

[Signature]

Commissioner.

File with Cherokee Freedmen. D-618, Malinda Williams.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinitz, E.T., October 28, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

A. R. WAYNE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A A. R. Wayne.

What is your postoffice? A Mound City, Lynn County, Kansas.

What is your age? A-I am 58 years old.

Were you in Lynn County, Kansas, during, and the years immediately after the war? A Yes, sir.

Q I will ask you if you know a colored man by the name of Peter Ward? A Yes, sir.

Q Where did you learn to know him at first? A Four miles and a half west and one half mile north of Mound City, Lynn County, Kansas.

Q When? A In 1866.

Q You know whose place he was living on at that time? A I forget the name of the man at that time, in '66.

Q Do you know where he moved, if at all, in '66? A He moved to the farm of Amos Durden, and some call it the C. W. Kingsbury place now.

Q Is Kingsbury his grandson? A Of Durben's, yes sir.

Q How long did he continue to live on the Durben farm? A 3 years.

Q Now by what do you fix that? A The first time that I saw him I know where I was working breaking prairie, and I stuck a thorn in my foot right in there, and I stopped and Mrs. Ward said that the gall of a bee was the best thing I could put on it, and by me breaking prairie I know it was in '66, I know where I was living at that time.

Q How do you fix the next date, three years later, which would make it in '69? A I have a record of the expenses that I had paid out in May, toward the last of May, from the first of January till the last of May, that me and him had a transaction whereby we I paid him \$2.50.

Q Peter Ward? A Yes, sir, the second day of March.

Q Of what year? A 1869.

Q Where was he living at that time? A He was living on the farm of Amos Durben.

Q Do you know any of Peter Ward's children, sons, members of his family? A I know one girl and I know Abraham Ward, Clint Ward, I presume his name is Clifton but we all called him Clint, and George; I believe that is all that I can bring to mine now at the present time.

Q Have one by the name of Berry? A Yes, sir, I think Berry was the second boy.

Q Was there one named Squire Ward? A Yes, sir, I think there was. You recollect it now? A Yes, sir, Squire Ward.

Q Where were these children living between the years of '66, when you first knew the father, and '69? A They were living with their father; the boys of course would work around first one place and another wherever they could find work, but there is where they made their home, with their father.

Q Have you seen them since that time, '69? A No, sir, I haven't.

Q Do you know whether you would know them or not now? A No, sir, I haven't met them so often as then what I gave in this other case.

Q Do you know that one over there (indicating Abraham Ward)?

A Yes, sir, I have seen that gentleman over there, but I can't tell you his name; I know by the looks of him I have seen him.

Q You don't recollect to have seen any of them since '69? A No, sir.

Q How far did you live from them, say in '68, from the Durben farm?

A About a mile and three quarters.

Q Well, how did you live that far from '65 to '69 to them? A No, sir, in '66 I was living farther off.

Q Well, when did you come up nearer to them? A When I got married in '67; I was married in '67 and I was a little bit closer to them.

Q Well, were you as near in '67 as you were in '69? A Same place.

Q You were as near to them in '67 as you were in '69? A Yes, sir, same place.

Q And you remained on the same place from '69 to '69? A Yes, sir.

Q Now during that time, far from '66 up to '69, did you miss Peter Ward or any of his sons away from up there? A No, sir.

Q Did you have occasion to see them from time to time? A Only upon one occasion to my knowledge that I got to see them except just in passing around; I had one transaction that I was over to their house.

Q Did you see them in the country any place? A Oh yes, I have seen them around.

Q You mean by that, that that is the only time you ever had any personal business transaction with them? A Yes, sir, that is what I mean, personal business transaction.

Mr. Smith: What month in the year 1866 was it you got acquainted with Peter Ward? A Well sir, I can't tell you what month, but then I know it was along in the spring because I was breaking prairie, breaking it with oxen.

Q Did you break any ground except in the spring? A Not the prairie, to my knowledge, I never did.

Q You have been there in that country ever since '62? A I had been there ever since '55.

Q You had been living there some ten or eleven years when you first became acquainted with Peter Ward? A Well, I came there in May '55, and it was '66 when I first recollect getting acquainted with them to know them.

Q Now in what way do you fix the date as in '66 when you first became acquainted with Peter Ward? A I was breaking prairie west of where they lived, and I came up there in regard to my foot; as I said, I had struck a stub in my foot, and I came up there and Mrs. Ward gave me a piece of bee gall to put on it to draw it.

Q Well, did your foot get well? A Well it isn't off, I suppose it did.

Q Well that has been how long ago? A Well '66; that has been 35 years ago.

Q When did you first have any occasion to remember the matter, or date when you first met Peter Ward, or when was that ever called to your attention first after that time? A For the first time you mean?

Q Yes? A Well it was in March, '69, that I had the transaction with him.

Q That had nothing to do, however, with the time you first met him?

A No, sir, not to my knowledge, no, sir, just seen them from then in passing around.

Q What I mean to say is, the fact that you had the business transaction with him in March or any time in '69 would not aid your recollection as to the time you first met him, would it? A I don't know as I understand your question.

Q I say there was no connection between your business transaction with him in '69 and the date when you first met him, nothing connecting the two things together; one had nothing to do with the other, did it? A No, sir.

Q Well then, now when did you first have occasion to remember that you met Peter Ward in '66? A I just not told the occasion, about

plowing and going up there.

Q I know, but you did a great many things in '66 that you haven't had any occasion to think about since, haven't you? A Yes, sir.

Q What first brought this incident to your mind, that is what I am talking about? A What first brought it to my mind?

Q Yes, or recalled this thing you are talking about in '66? A Well I was asked if I knew a man by the name of Peter Ward.

Q When? A Well I think it was pretty near four weeks ago.

Q Who asked you? A Why I think he was by the name of Keys, J. M. Keys I think, if I am not mistaken.

Q Well now from the time this thing happened up to the time that J. M. Keys asked you about it, you had had no occasion to remember this incident, or the date when you hurt your foot, had you? A No, sir.

Q Now for thirty-five or six years you had carried in your mind the date when you had hurt your foot? A Yes, sir, I know the date by that transaction of breaking prairie, know where I was living.

Q How long did you live there? A At that place, only lived there at that place just one year, working for my brother that year.

Q Now that has been a long time ago, hasn't it? A Yes, sir.

Q Do you think you can swear with certainty it was in '66 and no other time that you met Peter Ward the first time? A Yes, sir, not to my knowledge to know him; I might have met him but not to know him.

Q Do you think you can't possibly be mistaken about the date?

A I know I can't be mistaken in regard to the date of the year.

Q You know that? A Yes, sir.

Q Well now Mr. Wayne, where is your record? A In my pocket in a book.

Q I would like to see that. A (Witness produces book) That record commenced there, January 3, 1869, it goes on down to there, (indicating on book) is Peter Ward, \$2.50; it goes on down to here, to May, '69, \$102.64; I spent during that time \$103.64.

Q When did you commence to keep this book? A Well, I think that book came in my possession in 1868, along in the winter of '68.

Q When did you quit making entries in it? A In regard to my expenses?

Q No, entries at all? A Well I think probably it was away along in the seventies somewhere, might maybe have been late as '76, to-ward the back there in regard to some Saborth School records I think, and in that fore part there is some few pages that was in '69, some transactions, and some probably in the seventies somewhere.

Q Mr. Wayne, at the place in this memorandum where the name of Peter Ward occurs, there is no year there, is there? A No, sir, there isn't; there was no occasion for the year when I was keeping the account; you will find here it is entered, and it goes on down here, and here it is March first, and March 2, and goes on down, 9, 11, 12, 13, etc.; there was no occasion for it in keeping the record.

Q Mr. Wayne, what is the entry immediately above the name Peter Ward? A (Reading from book) That there is Ben Bronson, a colored man, 25¢; no, it is stamps, 15¢.

Q You are sure that that is stamps? A No, soda, 15¢.

Q Then it isn't stamps? A No, sir, I thought it was stamps, but it is soda instead of stamps; here is stamps below here.

Q Now Mr. Wayne, that line upon which the word, Peter Ward, is written has been erased? A No, sir.

Q Isn't there an erasure on that line? A Not to that knowledge, and I am the only person that has ever had it.

Q Can you read that entry immediately above that Peter Ward, and Peter Ward, as distinctly as you can this entry immediately below it?

A Well there is a part of the Peter there that I can see just the same as I can the other, the same that is below here; here is some oil I believe.

Q That is not the question; are the entries below clearer and more distinct than the word, Peter Ward? A No, sir, not that I

notice till they get way down there, they are about the same.

Q Now then you see there is a part of the Peter that you can read better than the other part? A Well the t there appears to be a little bit plainer.

Q Can you see any e in that Peter? A Yes, sir.

Q Where is it? A Right after the t.

Q If you didn't know what it was could you tell what the remaining letters after the P were? A Yes, sir, that is my handwriting and I would.

Q Now why, Mr. Wayne, is that word Peter Ward blurred, as it appears upon the record? A I can't tell you any more than here; not a bit.

Q You don't know? A No, sir.

Q Did you write the word potatoes on the second page? A Yes, sir.

Q Did you make that P? A Yes, sir.

Q Is that one like this one? A Yes, sir, that one looks like I didn't make it very plain and I taken it again, same as there (indicating) in writing that down it looks as though I had made two cracks on that, and you will probably find the P somewhere.

Q Now Mr. Wayne, sometimes a P is made with one stroke of the pen?

A Yes, sir.

Q Now that P in potatoes is made that way, isn't it?

A No, I don't make a P but very seldom, sometimes I make a P by running down and then back, and sometimes then I make a P by making a straight mark and going around that way (indicating); I make P two or three different ways.

Q Now Mr. Wayne, the word Peter there in this book is blurred?

A Yes, sir.

Q It is indistinct? A No, sir, not to my mind it is not.

Q Not as clear as the entries below it? A It is about the same thing here except that P in here, that I see, appears to be a little plainer than that e-t-a-r.

Q Well, do you state that that is as clear as the entries below?

A No, sir, I saw it is not, it is the same as some that would be over here or some other place.

Q Now you didn't use this book since eighteen and what? A Oh I have probably referred to it for some regards in regard to an orchard that I set out, and my little boy that is dead might have got hold of it once, he might have got hold of that book.

Q Where was this book when you were first interrogated about Abraham Ward? A It was in my desk in my room.

Q Did you remember, when you were interrogated as to the time when you had had any business transactions with Peter Ward, without reference to that book? A No, sir.

Q Then you are testifying from that record? A I am testifying from my record in regard to the transaction.

Q Is the record is wrong you are wrong? A Yes, sir.

Q Can you tell me who made the blur, or erasure, if it is an erasure, upon that line upon which appears the name of Peter Ward? A No, sir.

Mr. Smith: If the Court please, I would like to offer the book.

Mr. Hastings: You can't take the book away from the man.

Q Do you want this book any more? A I have some records in regard to some orchards that I would have to have here.

Q If you are willing, we would like to keep it a while in this case, and the commission will return it to you afterwards? A I have no objections, but there is a little paper in there I would like to get out afterwards.

Mr. Hastings: When was this entry made: was it made at the time that it purports to have been made? A Yes, sir, I tried to put them down the night in which they were made.

Q Mr. Wayne, now the page before, or the second page before this entry of Peter Ward, I note at this date: (reading) January 2, 1892: Is that correct? A Yes, sir.

Q Following that are a great many entries and only the month and the days. Is that intended to be that year? A Yes, sir, everything down to May, '89; it tells the date on the opposite page.

Q Opposite page to where you summed it up? A Yes, sir, to where I summed it up here, it is three pages over.

Q Well, between the two pages before this and say three pages afterwards, they contain the transactions of that year of '89? A It does, yes, sir.

Q Mr. Keys, a good part of this record was kept with pencil, wasn't it? A Yes, sir.

Q Has it ever been erased or mutilated other than by wear? A No, sir, not to my knowledge, unless my little boy might have got hold of it.

Q Well, you never mutilated that name of Peter Ward or erased it?

A No, sir, I couldn't have any occasion to.

Q Is that in the same condition that you found it when Mr. Keys made the inquiries of you with reference to your knowledge about Peter Ward? A It is exactly the same.

Q No change has been made? A None whatever.

Commissioner: The book testified about will be filed with the papers in the case.

Commissioner: This testimony will be made part of the record in the case at bar, and part in D-603, D-610, D-611, D-615, D-625, D-615, D-618, D-618, D-619, D-621, D-622 D-623, D-628, D-628, and D-605.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 13th of November, 1901.

W. D. Green

Notary Public

Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 25th 1901.

IN THE MATTER OF THE APPLICATION OF AFRANAH VART ET AL., ET AL.,
SUPPLEMENTAL PETITION

W. F. Hastings for the Unemployed National
Relief & Fund for the following

Memorandum for the Director
Subject: [Illegible]
Reference is made to the letter from J. [Illegible] dated [Illegible] and to the letter from [Illegible] dated [Illegible].
It is recommended that the [Illegible] be [Illegible] and that the [Illegible] be [Illegible].
Very truly yours,
[Illegible Signature]

State of Kansas
County of _____

[illegible]

2000

by Commissioner of Agriculture. At the request of said party, the
certificates of the records of said County, together with
copies of the alleged certificates and the collection of
or counsel for the applicants, be filed in the
said records and all correspondence thereto on file with the
of said Commission.

Chas. von Helldorf, 1890-1900, 1900-1910, 1910-1920, 1920-1930, 1930-1940, 1940-1950, 1950-1960, 1960-1970, 1970-1980, 1980-1990, 1990-2000, 2000-2010, 2010-2020, 2020-2030, 2030-2040, 2040-2050, 2050-2060, 2060-2070, 2070-2080, 2080-2090, 2090-2100, 2100-2110, 2110-2120, 2120-2130, 2130-2140, 2140-2150, 2150-2160, 2160-2170, 2170-2180, 2180-2190, 2190-2200, 2200-2210, 2210-2220, 2220-2230, 2230-2240, 2240-2250, 2250-2260, 2260-2270, 2270-2280, 2280-2290, 2290-2300, 2300-2310, 2310-2320, 2320-2330, 2330-2340, 2340-2350, 2350-2360, 2360-2370, 2370-2380, 2380-2390, 2390-2400, 2400-2410, 2410-2420, 2420-2430, 2430-2440, 2440-2450, 2450-2460, 2460-2470, 2470-2480, 2480-2490, 2490-2500, 2500-2510, 2510-2520, 2520-2530, 2530-2540, 2540-2550, 2550-2560, 2560-2570, 2570-2580, 2580-2590, 2590-2600, 2600-2610, 2610-2620, 2620-2630, 2630-2640, 2640-2650, 2650-2660, 2660-2670, 2670-2680, 2680-2690, 2690-2700, 2700-2710, 2710-2720, 2720-2730, 2730-2740, 2740-2750, 2750-2760, 2760-2770, 2770-2780, 2780-2790, 2790-2800, 2800-2810, 2810-2820, 2820-2830, 2830-2840, 2840-2850, 2850-2860, 2860-2870, 2870-2880, 2880-2890, 2890-2900, 2900-2910, 2910-2920, 2920-2930, 2930-2940, 2940-2950, 2950-2960, 2960-2970, 2970-2980, 2980-2990, 2990-3000, 3000-3010, 3010-3020, 3020-3030, 3030-3040, 3040-3050, 3050-3060, 3060-3070, 3070-3080, 3080-3090, 3090-3100, 3100-3110, 3110-3120, 3120-3130, 3130-3140, 3140-3150, 3150-3160, 3160-3170, 3170-3180, 3180-3190, 3190-3200, 3200-3210, 3210-3220, 3220-3230, 3230-3240, 3240-3250, 3250-3260, 3260-3270, 3270-3280, 3280-3290, 3290-3300, 3300-3310, 3310-3320, 3320-3330, 3330-3340, 3340-3350, 3350-3360, 3360-3370, 3370-3380, 3380-3390, 3390-3400, 3400-3410, 3410-3420, 3420-3430, 3430-3440, 3440-3450, 3450-3460, 3460-3470, 3470-3480, 3480-3490, 3490-3500, 3500-3510, 3510-3520, 3520-3530, 3530-3540, 3540-3550, 3550-3560, 3560-3570, 3570-3580, 3580-3590, 3590-3600, 3600-3610, 3610-3620, 3620-3630, 3630-3640, 3640-3650, 3650-3660, 3660-3670, 3670-3680, 3680-3690, 3690-3700, 3700-3710, 3710-3720, 3720-3730, 3730-3740, 3740-3750, 3750-3760, 3760-3770, 3770-3780, 3780-3790, 3790-3800, 3800-3810, 3810-3820, 3820-3830, 3830-3840, 3840-3850, 3850-3860, 3860-3870, 3870-3880, 3880-3890, 3890-3900, 3900-3910, 3910-3920, 3920-3930, 3930-3940, 3940-3950, 3950-3960, 3960-3970, 3970-3980, 3980-3990, 3990-4000, 4000-4010, 4010-4020, 4020-4030, 4030-4040, 4040-4050, 4050-4060, 4060-4070, 4070-4080, 4080-4090, 4090-4100, 4100-4110, 4110-4120, 4120-4130, 4130-4140, 4140-4150, 4150-4160, 4160-4170, 4170-4180, 4180-4190, 4190-4200, 4200-4210, 4210-4220, 4220-4230, 4230-4240, 4240-4250, 4250-4260, 4260-4270, 4270-4280, 4280-4290, 4290-4300, 4300-4310, 4310-4320, 4320-4330, 4330-4340, 4340-4350, 4350-4360, 4360-4370, 4370-4380, 4380-4390, 4390-4400, 4400-4410, 4410-4420, 4420-4430, 4430-4440, 4440-4450, 4450-4460, 4460-4470, 4470-4480, 4480-4490, 4490-4500, 4500-4510, 4510-4520, 4520-4530, 4530-4540, 4540-4550, 4550-4560, 4560-4570, 4570-4580, 4580-4590, 4590-4600, 4600-4610, 4610-4620, 4620-4630, 4630-4640, 4640-4650, 4650-4660, 4660-4670, 4670-4680, 4680-4690, 4690-4700, 4700-4710, 4710-4720, 4720-4730, 4730-4740, 4740-4750, 4750-4760, 4760-4770, 4770-4780, 4780-4790, 4790-4800, 4800-4810, 4810-4820, 4820-4830, 4830-4840, 4840-4850, 4850-4860, 4860-4870, 4870-4880, 4880-4890, 4890-4900, 4900-4910, 4910-4920, 4920-4930, 4930-4940, 4940-4950, 4950-4960, 4960-4970, 4970-4980, 4980-4990, 4990-5000, 5000-5010, 5010-5020, 5020-5030, 5030-5040, 5040-5050, 5050-5060, 5060-5070, 5070-5080, 5080-5090, 5090-5100, 5100-5110, 5110-5120, 5120-5130, 5130-5140, 5140-5150, 5150-5160, 5160-5170, 5170-5180, 5180-5190, 5190-5200, 5200-5210, 5210-5220, 5220-5230, 5230-5240, 5240-5250, 5250-5260, 5260-5270, 5270-5280, 5280-5290, 5290-5300, 5300-5310, 5310-5320, 5320-5330, 5330-5340, 5340-5350, 5350-5360, 5360-5370, 5370-5380, 5380-5390, 5390-5400, 5400-5410, 5410-5420, 5420-5430, 5430-5440, 5440-5450, 5450-5460, 5460-5470, 5470-5480, 5480-5490, 5490-5500, 5500-5510, 5510-5520, 5520-5530, 5530-5540, 5540-5550, 5550-5560, 5560-5570, 5570-5580, 5580-5590, 5590-5600, 5600

File with Malinda Williams? C. F. D. 618

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 28th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #607
SUPPLEMENTAL TESTIMONY

Appearances:

W. W. Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants

By Mr. Hastings: I desire to file a certificate from J. A. Gady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: "Peter Ward, one Female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Gady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breckinridge: The document in question will be filed in this case; the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

=====
(COPY)

State of Kansas: ss.
County of Linn :

I, J. A. Gady County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: "Peter Ward, one Female dog." said entry is on page 78 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(SEAL)

(Signed)

J. A. Gady
County Clerk of Linn County, Kansas.

=====
By Commissioner Breckinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants, be filed in the cases to which this case refers and all subreferences thereto as found upon the records of this Commission.

=====
Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a true and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this 9th of November, 1901.

Chas. von Weise
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

Applicant appears by Mellett & Smith; Clerkce Nation, by
W. W. Eastman.

The applicant moved the Commission to make the certified copy of the decree of the Court on Class in the case of Moses Williams, Trustee for the Freedman, vs. The Cherokee Nation No. 17206 filed in the Earle Hayden case, F.D. 223, a part of the report in this case and the cases hereinafter mentioned by reference to the said case of the said Earle Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

2011-12-12 14:15:12

Comes now the Cherokee Nation and objects to the introduction of the deores, because: First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will have judicial knowledge of his law, treaties and facts necessary for the determination of the right of any person to make application for citizenship. Fourth: Because the same is immaterial to the rights of the applicant upon which this deore is the basis of an application for citizenship is called and does not tend to prove an issue.

CONCLUSIONS

The following information was obtained from the files of the
 Department of the Interior, Bureau of Land Management, at Washington, D.C.
 on the date of the above mentioned report.

1. The first step in the process is to identify the problem. This involves gathering information about the situation and understanding the needs of the stakeholders involved.

in the case of *Shawnee*, *Shawnee* vs *Shawnee*, on file
in the Court of Claims as the counsel of the *Shawnee* Nation, it
is desired to do so.

T. H. Hastings
The *Shawnee* Nation most certainly is entitled to acts to
the allowance of this permission or to the granting of this request
for the reason that most of these applicants have had more than a
year in which to file as to their testimony that they desired to
take out their case before the Commission and that desire
was given. And all of the respondents in *Shawnee* have been
as claimed so far as testimony was concerned by the special per-
mission of the Court of Claims representing these applicants, on
the 31st day of May, 1902, and that this being the 31st day of May,
1902, we say that under the rulings of the Commission, that under
the agreement between the attorneys, that the testimony in all these
cases be closed and should be closed by the Commission, and that
no extension should be granted in any case and no case reopened
unless there is some special and particular reason shown either by
the *Shawnee* Nation on the one side or the applicant on the other
that an extension of time is necessary or desired.

The Commission
The day wherein the *Shawnee* Nation of *Shawnee* (referred to) shall
be made in strict compliance with the decree of the Court of Claims
rendered on the 31st day of May, 1902, and in the Commission shall
have judicial notice of the contents of all of said Court of the
proceedings referred to the *Shawnee* Nation, for testimony and
additional time to file the contents of the proceedings of the
said Court is denied.

The undersigned, being duly sworn, states that as stenographer
to the Commission to *Shawnee* Civilized Tribes he correctly recorded
the proceedings in the above case, and that the foregoing is a true
and correct transcript of the stenographic notes thereof.

(Signed) E. H. Reinhardt

Subscribed and sworn to before me this 15th day of June, 1902

(Signed) P. G. Reiter,
Notary Public.

(SEAL)
I, A. C. Bagwell, a stenographer to the Commission to the
Shawnee Civilized Tribes, do hereby state that the above and foregoing is
a true and perfect copy of the original testimony in the above
entitled cause as filed with the Commission, which copy was made
by me.

Subscribed and sworn to before me this 15th day of June, 1902

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, 13 T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mellate & Smith; Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moved the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209 filed in the Mariah Hayden case F D 426, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Mallada Williams, D 613;

By W. W. Hastings:

Come now the Cherokee Nation and objects to the intro-
duction of the decree, because: First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1866, or that he had been a continuous resident
of the Cherokee Nation since that time, or that he is a descendant
of such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Commission:

The action of the attorney for the applicant will be en-
tertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Cook of the United States Court, of the Northern District
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cant be allowed within thirty days to file any of the proof of any
or all of the record other than the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Peter Hudson and others, consolidating the applications of

Peter Hudson,.....	Cherokee Freedmen	D 804
William Hudson, et al.,.....	"	D 603
Peter Ward, et al.,.....	"	D 613
Abraham Ward, et al.,.....	"	D 607
Ben Ward, et al.,.....	"	D 616
Squire Ward, et al.,.....	"	D 618
Sadie Ward,.....	"	D 898
David Ward,.....	"	D 619
George Ward,	"	D 488
Alonso Ward, et al.,.....	"	D 608
Will Ward, et al.,.....	"	D 610
Berry Ward,.....	"	D 611
Lena Ward, et al.,.....	"	D 1117
Malinda Williams, et al.,....	"	D 618

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Peter Hudson for himself; by William Hudson for himself, his wife, Eliza, and his minor children, Emmett, Levi, Wilburn, Ida and Ivory Hudson; by Peter Ward for himself, his wife, Louisa, and his grandchild, Eva Ward; by Abraham Ward for himself and his son, Arden Ward; by Ben Ward for himself, his wife, Sarah, and their minor children, Vennie, Martha, Clarence, Neal and Myrtle Ward; by Squire Ward for himself and his minor children, Joseph, Jennie and Eliza Ward; by Sadie Ward for herself; by David Ward for himself; by Nancy Ward for her husband, George Ward, among others, the other parties to her application, being differently classified, are not embraced in this decision; by Alonso Ward for himself and his minor children, Savannah, Ezra and Kinora Ward, as Cherokee Freedmen, and for his wife, Mahala Ward, as a Cherokee Freedman by intermarriage; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Mahala Ward, as such, will not be passed upon, or con-

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Peter Hudson and others, consolidating the applications of

Peter Hudson,.....	Charles Freedman	D	604
William Hudson, et al.,.....	"	D	603
Peter Ward, et al.,.....	"	D	613
Abraham Ward, et al.,.....	"	D	607
Ben Ward, et al.,.....	"	D	616
Squire Ward, et al.,.....	"	D	615
Sadie Ward,.....	"	D	606
David Ward,.....	"	D	612
George Ward,.....	"	D	608
Alonso Ward, et al.,.....	"	D	605
Will Ward, et al.,.....	"	D	610
Berry Ward,.....	"	D	611
Lena Ward, et al.,.....	"	D	1117
Malinda Williams, et al.,....	"	D	614

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Peter Hudson for himself; by William Hudson for himself, his wife, Ellen, and his minor children, Emmett, Levi, Wilburn, Ida and Ivory Hudson; by Peter Ward for himself, his wife, Louisa, and his grandchild, Ben Ward; by Abraham Ward for himself and his son, Arthur Ward; by Ben Ward for himself, his wife, Sarah, and their minor children, Jennie, Martha, Clarence, Neal and Myrtle Ward; by Squire Ward for himself and his minor children, Joseph, Jennie and Ellen Ward; by Sadie Ward for herself; by David Ward for himself; by Benny Ward for her husband, George Ward, deceased; there, the other parties to her application, being differently classified, are not entered in this decision; by Alonso Ward for himself and his minor children, Savannah, Mary and Minnie Ward, as Cherokee Freedmen, and for his wife, Mahala Ward, as a Cherokee Freedman by her own right; but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of Mahala Ward, as such, will not be passed upon, or

sidered in this decision; by Will Ward for himself and his minor children, Gracie and Frances Ward; by Berry Ward for himself; by Lena Ward for herself and her minor child, Roxie Beeson, and by Malinda Williams for herself and her minor children, Monroe and Delois Williams. A copy of the testimony taken at Vinita, Indian Territory, on October 15, 1901, in the matter of the application of Daniel Thompson, et al., is made a part of the record herein.

The evidence shows that the applicant, Peter Hudson, together with his wife, Charity Hudson, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion, but returned thereto prior to January 19, 1867. The applicants William Hudson and Sarah Ward, wife of Ben Ward, are the adult children of Peter Hudson and Charity Hudson. The said William Hudson and Sarah Ward were minors at the commencement of the rebellion and are considered to have acquired the status of their mother, Charity Hudson, and, therefore, to have been the slaves of a Cherokee citizen at the commencement of the rebellion. It appears that they returned to the Cherokee Nation with their parents prior to January 19, 1867.

It further appears that the minor children of said William Hudson, included in his application, were born since 1866 and derive their rights to enrollment through him; that Lena Ward, Roxie Beeson and Vannie, Martha, Clarence, Neal and Myrtle Ward, were all born since 1866 and are the descendants of the said Sarah Ward, nee Hudson. The evidence further shows that the said Peter Hudson, William Hudson and Sarah Ward, nee Hudson, have resided in the Cherokee Nation from 1866 up to and including the date of their applications herein. The said descendants of William Hudson and Sarah Ward, nee Hudson, are considered to have resided all their lives in the Cherokee Nation with the parents through whom they claim.

It further appears that the applicants Peter Ward, Louisa Ward, Abraham Ward and Ben Ward were the slaves of Cherokee citizens at the commencement of the rebellion; that they removed from the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The applicants Eliza Hudson, Eva Ward, Artes Ward, David Ward, George Ward, Alanzo Ward, Savannah Ward, Ezra Ward, Elnera Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, all born since 1866, are the respective descendants of the said Peter Ward, Louisa Ward and Abraham Ward and have no rights as Cherokee Freedmen, except such as they may have acquired through their said ancestors.

The applicant Squire Ward was a minor at the commencement of the rebellion and is considered to have acquired the status of his mother, Louisa Ward, and therefore to have been the slave of a Cherokee citizen at the commencement of the rebellion. It appears that he was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. The said Joseph, Jennie, Eliza and Sadie Ward are his descendants, born since 1866, and have no rights as Cherokee Freedmen, except such as such descendants.

None of the names of the persons whose applications for enrollment are denied herein, are found on the 1860 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that Peter Hudson, William Hudson, Emmett Hudson, Levi Hudson, Wilburn Hudson, Ida Hudson, Ivory Hudson, Sarah Ward, Vannie Ward, Martha Ward, Clarence Ward, Neal Ward, Myrtle Ward, Lena Ward and Roxie Beeson should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1896 (30 Stats., 496); and that the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abraham Ward, Artus Ward, Ben Ward, Squire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Katie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elmore Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Deleah Williams as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of said Act of Congress, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

Chairman.

(SIGNED)

I. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. Stanley.

Commissioner.

Dated at Muskogee, I. T.,

this JUL 10 1903

P 292
CHEROKEE FREEDMAN ~~DAF~~
20

IN RE

Application for Enrollment of

INFANT CHILD

Minnie William

as a citizen of

CHEROKEE. Nation.

Approved JUN 8. 1901 190

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 8 1901

[Signature]
ACTING CHAIRMAN.

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Monroe Williams, born on the 8th day of Dec, 1900
(Here insert name of child)
Name of Father: Wm Williams, a citizen of the U.S. Nation
Name of Mother: Malinda Williams, a citizen of the Cherokee Nation.
Post-office, Wimer I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Malinda Williams, on oath state that I am 20
years of age and a citizen, by adoption, of the Cherokee Nation;
that I am the lawful wife of Wm Williams, who is a citizen, by
of the U.S. Nation, that a Male child was
(male or female)
born to me on the 8th day of Dec 1900 that said child has been
named Monroe Williams, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

Subscribed and sworn to before me this 8th day of June 1901.
L. F. Bailey
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Mattie A. McAnair, midwife, on oath state that I
attended on Mrs. Malinda Williams, wife of Wm Williams,
on the 8th day of Dec 1900, that there was born to her on
said date a Male child; that said child is now living and is said to have been
(male or female)
named Monroe Williams.

WITNESSES TO MARK:

(Must be Two
Witnesses)

Subscribed and sworn to before me this 8th day of June 1901.
L. F. Bailey
NOTARY PUBLIC.

my com - Exp - April 15 - 1903.

R292

~~XXXX~~

IN RE

Application for Enrollment of

INFANT CHILD

Delois Williams

as a citizen of

CHEROKEE NATION.

Approved

190

Commissioner.

Printed by Lander Printing Co., Atlanta.

FILED

MAR 2 1902


FILED

COMMISSION TO THE FIVE CIVILIZED TRIBES


DEPARTMENT OF THE INTERIOR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 2 1902


ACTING CHAIRMAN

Case 13917


COMMISSIONER

Approved _____ 180

as a citizen of
CHEROKEE NATION.

Delora Williams

INFANT CHILD

Application for Enrollment of

IN RE

 *13917*

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1. I, Cherokee Nation,
of Deloris Williams, on the 27 day of Dec, 1901
(here insert name of child)
Name of Father: Willie Williams, a citizen of the Cherokee Nation.
Name of Mother: Melinda Williams, a citizen of the Cherokee Nation.
Post-office, Whitesburg, Ga.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, Melinda Williams, on oath state that I am 22
years of age and a citizen, by birth of the Cherokee Nation;
that I am the lawful wife of Willie Williams, who is a citizen, by
, of the Cherokee Nation, that a male child was
(male or female)
born to me on the 27 day of Dec, 1901; that said child has been
named Deloris Williams, and is now living.

WITNESSES TO MARK:

Melinda Williams(Must be two
Witnesses.)

Subscribed and sworn to before me this 13 day of May, 1902
J. W. Blair
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, Bess Ward, a midwife, on oath state that I
attended on Mrs. Melinda Williams, wife of Willie Williams
on the 27 day of Dec, 1901; that there was born to her on
said date a male child; that said child is now living and is said to have been
(male or female)
named Deloris Williams.

WITNESSES TO MARK:

Bess Ward(Must be two
Witnesses.)

Subscribed and sworn to before me this 13 day of May, 1902
J. W. Blair
NOTARY PUBLIC.

7
NFD 618
INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901

Given under my hand this
day of A. D. 1901.

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the

SEP 18 1901
day of 1901.
W. L. Smith
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A.D. 1901

Subscribed and sworn to before me
this day of A.D. 1901.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Notary Public

FILED
SEP 20 1901

W. L. Smith
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Malinda Williams
for enrollment as a Cherokee citizen:

Case No. D 618

To ~~Malinda Williams or Hellette & Smith her Attys.~~

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.
Indian Territory, on Oct. 5th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L B Bell
W. M. Hastings
Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Malinda Williams,

Minor, I. T.

Cherokee-F-11-818.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE.

RECEIVED TO BUREAU

73

J.D. 618

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 8 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 8 - 1901

Post Office Wimmer, D.C.

District COOWEESCOOWEE.

1. Name Age
 Owner's name Citizenship
 Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Mahinda Williams Age 80
 Owner's name Citizenship
 Year 1880 Page 125 No. 3103 District Xero

Parents:

Father Abraham Ward Citizenship Xero

Mother Sarah - dead Citizenship

Names of Children:

No.	Name	Year	Page	No.	Dist.
3.	<u>Mona Williams</u>				
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

Application made by

Stenographer

No. 1 on R. & R. Roll as Linney Ward
No. 1 on Wallace Roll P 152 No 3162, Lina Ward, Xero
No. 1 Birth certificate required

Ref to D 1007

Represented by Mellett & Smith, Virata, D.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 21 1901

ACTING CHAIRMAN

COMMISSIONERS.

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 31st, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the original testimony of June 8th, 1901, in the
matter of the application of Malinda Williams et al for en-
rollment as Freedmen of the Cherokee Nation.



Attorney for Applicants.

Cherokee F. #D618.

COPY.

Cherokee Freedmen
B-404, No.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson, et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Dixie Doosen, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah Eura, Elvira, Will, Gracie, Frances and Berry Ward, and Malinda, Kenree and Delois Williams, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Enc. N-2.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-618

Muskogee, Indian Territory, August 24, 1903.

Malinda Williams,

Wimer, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your two minor children, Monroe and Delois Williams, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-135
Register.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, August 24, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Peter Hudson et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Bquire, Joseph, Jennie, Eliza, Sadie, David, George, Alenno, Maryannah, Eva, Kinora, Will, Gracie, Frances and Harry Ward, Malinda, Monroe, and Delois Williams as Cherokee freedmen.

Respectfully,

T.B. Needles.

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-180

COPY:

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, August 24, 1903.

Edgar Smith,

Attorney for Peter Hudson et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the applications for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah Ezra, Elnora, Will, Gracie, Frances and Berry Ward, Malinda, Monroe and Delois Williams as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be

-2-

made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Enc. D-149

Register.

COPY

LAND 55270-1904.

Department of the Interior,

Office of Indian Affairs,

Washington, April 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated March 4, 1902, transmitting the record relative to the applications of Peter Hudson et al., for enrollment as Cherokee freedmen.

Peter Hudson applied for enrollment of himself; William Hudson for the enrollment of himself, his wife, Eliza and their children, Emmet, Levi, Wilburn, Ida and Ivory Hudson; Peter Ward for himself, his wife, Louisa and his grand-child, Eva Ward; Abraham Ward for himself and his son, Artes Ward; Ben Ward for himself, his wife, Sarah, and their children, Vannie, Martha, Clarence, Neal, and Myrtle Ward; Squire Ward for himself and his minor children, Joseph, Jennie and Eliza Ward; Sadie Ward for herself; David Ward for himself; Nancy Ward for her husband; George Ward and others who are differently classed and not included in the Commission's decision; Alonzo Ward for himself and his children, Savannah, Kara and Elnera Ward and for his wife, Mahala, as an unmarried freedman; Will Ward for himself and children, Gracie and Frances Ward; Berry Ward for himself; Lena Ward for herself and child, Rennie Beeson; Malinda Williams for herself and her children, Monroe and Delois Williams.

The right of intermarried citizens of the Cherokee Nation to enrollment not having been determined, the Commission did not pass upon the application for the enrollment of Mahala Ward. In a decision dated July 10, 1903, the Commission found that Peter, William, Emmet, Levi, Wilburn, Ida and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson are entitled to enrollment as freedmen, and the other parties to this consolidated case are not entitled to enrollment as such. The evidence in the case shows that Peter Hudson was at the commencement of the late civil war a slave of Susie Hudson, a citizen of the Cherokee Nation. He went to Kansas during the war, but the evidence satisfactorily establishes that he returned to the Cherokee Nation and took up his abode there in during the year 1866. He is therefore entitled to enrollment.

William Hudson is the son of Peter Hudson and Charity Hudson, deceased. His status is the same as that of his father, and it necessarily follows therefore that he is entitled to enrollment, as are also his minor children, Emmet, Levi, Wilburn, Ida and Ivory Hudson. His wife, Eliza Hudson, nee Ward, claims that she is entitled to enrollment as a freedman. She is the daughter of Abraham and Caroline Ward, the latter of whom is deceased.

Abraham Ward is the son of Peter Ward. It becomes necessary, therefore, to ascertain whether Abraham Ward by himself or through his father was the slave of a citizen of the Cherokee

Nation, and if so, whether he left the nation and returned within the time limit fixed by the treaty of 1866. Abraham Ward claims to have been the slave of Jim and Eliza Ward, citizens of the Cherokee Nation. He says that in 1862, after he had been liberated, he went into the Union Army, General Blunt's Division, as a body servant. In June, 1901, he testified that he was 55 years of age, therefore, he was born in 1846, and was 16 years of age in 1862. The record in the case does not show that he returned within the time limit fixed by the treaty, therefore, Abraham Ward, and his son, Artes, are not entitled to enrollment, and neither is his daughter, Eliza, who is now the wife of William Hudson, unless they are entitled to enrollment by reason of the status of Peter Ward, father of Abraham Ward.

The record shows that Peter Ward was the slave of George Ward, a Cherokee citizen. He went to Mound City, Linn County, Kansas, during the war, and claims to have returned during the year 1866. The preponderance of the evidence, however, shows that he did not return prior to April 11, 1866, and he is not entitled to enrollment as a Cherokee freedman, neither is his grand-child, Eva, unless it be by reason of descent from her grandmother, Louisa Ward, or the persons mentioned in the Abraham Ward group.

From the record it appears that Louisa Ward, wife of Peter Ward, moved from the State of Georgia, with her husband, to the Cherokee Nation. They appear to have been the slaves of George

Ward, a Cherokee. She went to Kansas at the time Peter Ward did and returned at the same time. Her status is, therefore, the same as that of Peter Ward, and she is not entitled to enrollment, neither is her grandchild, Eva Ward, by reason of descent from her or any of the persons mentioned in the Abraham Ward group by reason of such descent.

Ben Ward is the son of Peter and Louisa Ward. He testified that on June, 1901, he was 43 years of age. He was born therefore in 1858. His father claims to have been the slave of George Ward, and he claims to have been the slave of Jim Ward. The record shows that he went to Kansas with his father and returned at the same time. He did not return within the time limit fixed by the treaty and is not entitled to enrollment. His wife, Sarah Ward, is the daughter of Peter Hudson and her right to enrollment and the right of her minor children, Vannie, Martha, Clarence, Neal and Myrtle Ward, depends upon their descent from him.

The record shows that Peter Hudson and the members of his family returned to the Cherokee Nation prior to the expiration of the time limit fixed by the treaty of 1866, and the applicants last mention are, therefore, entitled to enrollment.

Squire Ward is the son of Peter Ward. He testified in June, 1901, that he was "Forty some odd years" of age. Squire Ward Joseph, Jennie and Eliza Ward, are not, as hereinbefore shown with reference to Peter Ward, entitled to enrollment as freedmen by

reason of descent from Peter Ward, as the members of Peter Ward's family did not return to the Cherokee Nation prior to February 11, 1867.

Mary Ward, nee Mays, deceased, the record shows, was the daughter of David Mays, and the mother of minor applicants, Joseph, Jennie and Eliza Ward. It is plain that she was a slave in the Cherokee Nation and "belonged to the Whitmires". From the record the minor applicants last mentioned do not appear to be entitled to enrollment by reason of their mother being a Cherokee freedman, or by reason of descent from their grandfather, David Mays.

Sadie Ward is the daughter of Squire Ward, son of Peter Ward. Squire Ward and Peter Ward not being entitled to enrollment it follows that Sadie Ward is not entitled to enrollment. David Ward is the son of Peter Ward. He was 39 years of age in June, 1901, and his status is the same as that of his father. He is not, under the record, entitled to enrollment as a Cherokee freedman.

George Ward, for whom Nancy Ward applied, testified in May 1901, that he was 36 years of age. He is the son of Peter Ward and if he has any right to enrollment as a freedman it is by virtue of the status of his father. His father not being entitled to enrollment, for the reason that he did not return to the Cherokee Nation before February 11, 1867, applicant George Ward, is not entitled to enrollment.

Alonso Ward is a son of Abraham Ward, who is a son of Peter Ward. In June, 1901, he testified that he was 35 years of age.

He was born after the close of the war, and the record shows that his father, Peter Ward, and the members of his family, did not return to the Cherokee Nation within the ^{required} time. Alonzo Ward and his children, Savannah, Ezra and Elnora, are not, therefore, entitled to enrollment as Cherokee freedmen, and as hereinbefore stated his wife, Mahala Ward, applied for enrollment as an unmarried citizen, and the Commission has not yet passed upon her rights, if any she has.

Will Ward is a son of Abraham Ward and grandson of Peter Ward. For the reasons hereinbefore stated, Will Ward and his children, Gracie and Frances, are not entitled to enrollment by reason of descent from Abraham Ward and Peter Ward. Bell Ward, mother of the two minor applicants last named, is a "state woman," and said applicants are not entitled to enrollment by reason of descent from her.

Berry Ward is a son of Abraham Ward and grandson of Peter Ward. In June, 1901, he testified that he was 23 years of age. Consequently, he was born since the close of the war. His father and grandfather not being entitled to enrollment as Cherokee freedmen it follows that he is not entitled to enrollment.

Lena Ward is a daughter of Ben Ward and his wife, Sarah Ward, nee Hudson. Sarah Ward is the daughter of Peter Hudson who was a slave of a Cherokee citizen at the commencement of the war. Peter Hudson left the Cherokee Nation during the war, but returned within the time limit fixed by the treaty of 1866, and is, himself,

entitled to enrollment.

Lena Ward, the record shows, was born about 1881, within the limits of the Cherokee Nation. Her mother, Sarah Hudson, being entitled to enrollment and she having lived within the limits of the Cherokee Nation all her life, is entitled to enrollment as a Cherokee freedman, as is also her minor child, Roxie Beeson. From the record it appears that William Beeson is the father of Roxie Beeson.

Malinda Williams is the daughter of Abraham Ward and the granddaughter of Peter Ward. As she was only 20 years of age in 1901, and as her father, Abraham Ward and her grandfather, Peter Ward, are not entitled to enrollment, she is not entitled to enrollment, and her minor children, Monroe and Delois Williams, are not entitled to enrollment by reason of descent from her.

William Williams, the record shows, is the father of these children. He is not a Cherokee freedman and the children are not, therefore, entitled to enrollment on account of the status of their father.

In view of the foregoing, it is respectfully recommended that the decision of the Commission of July 10, 1903, wherein it is held that Peter, William, Emmet, Levi, Wilburn, Ida and Ivory Hudson, and Sarah, Vannie, Martha, Clarence, Joel, Myrtle and Lena Ward and Roxie Beeson are entitled to enrollment as Cherokee freedmen, and that the other parties to the case whose applications they passed

upon, are not entitled to enrollment as Cherokee freedmen, be approved.

Very respectfully,

W. A. Jones.

Commissioner.

GAW-D.

(C O P Y)

D. C. 14391-1904.

WCF

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.

I.T.D. 3254-1904.

April 29, 1904.

WCF

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On August 24, 1903, you transmitted the record in the consolidated Cherokee Freedman case of Peter Hudson (D-604), et al., including your decision of July 10, 1903, granting the application for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the application for the enrollment of Peter Ward, Eliza Hudson, Louisa, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah, Mara, Elmore, Will, Gracie, Frances and Berry Ward, and Malinda, Monroe and Delois Williams.

Reporting April 15, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

It appears that the original application included the name of Mahala Ward, for enrollment as a Cherokee Freedman by

--2--

intermarriage. In your decision you did not pass upon her rights as such.

Your decision as to the applicants included therein, is approved. The record is returned herewith, and it is desired that you render a decision as to the rights of Mahala Ward, who applies for enrollment as a Cherokee freedman by intermarriage.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D-618.

Muskogee, Indian Territory, May 11, 1904.

Malinda Williams,

Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your minor children, Monroe and Delois Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-604 et al.

Muskogee, Indian Territory, May 11, 1904.

Edgar Smith,

Attorney for Peter Hudson et al.,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Rexie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Eliza, Sadie, David, George, Will, Gracie, Frances, Berry, Peter, Louisa, Eva, Abraham, Artes, Alonzo, Savannah, Kara and Elvera Ward, Malinda, Monroe and Deloris Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
7-804 et al.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Peter Hudson et al., granting the applications for the enrollment of Peter, William, Emmett, Levi, Wilburn, Ida and Ivory Hudson, Sarah, Vannie, Martha, Clarence, Neal, Myrtle and Lena Ward and Roxie Beeson, and rejecting the applications for the enrollment of Squire, Joseph, Jennie, Elina, Sadie, David, George, Will, Grace, Frances, Harry, Peter, Louisa, Eva, Abraham, Artes, Alonzo, Savannah, Ezra and Elmore Ward, Malinda, Monroe and Delois Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 29, 1904.

Respectfully,

Chairman.

COPY

Cherokee Freedman-
R-292.

Muskogee, Indian Territory. February 18, 1905.

Malinda Williams,

Wimer, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of February 15, 1905, relative to your enrollment as a Cherokee Freedman. In reply, you are advised that the Commission's decision, rejecting, among others, your application for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior on April 29, 1904.

You are further advised that this Commission is now without authority to take further action in the matter of your said application.

Respectfully,

(SIGNED). *Tams Bixby.*
Chairman.

Cherokee freedman
R-202

Muskogee, Indian Territory, May 28, 1906.

Malinda Williams,
Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by
your attorneys September 7, 1905, for a review in your
Cherokee freedman enrollment case, was dismissed by the
Department May 2, 1906.

Respectfully,

Commissioner.

MCP

Muskogee, Indian Territory, May 23, 1906.

Blus & Bulger,

Attorneys for Eliza A. Arnold, et al.,
Minita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

WCP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC

-COPY-

Vinita, I. T. August 4, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee I. T.

Dear sir:

In re:

Motion for rehearing in the matter of the application for the enrollment of Peter Hudson, et al, as Cherokee Freedmen, consolidating the applications of

Peter Hudson, C. F. D 604,
William Hudson et al C F D 605,
Peter Ward et al C. F. D 613,
Abraham Ward, et al, C. F. D 607,
Ben Ward, et al, C. F. D 616
Squire Ward, et al, C F D 615,
Sadie Ward C F D 885,
David Ward C. F. 619
George Ward, C F D 425
Alonso Ward C F D 608,
Will Ward et al, C F D 610,
Berry Ward C. F. D. 611,
Lena Ward et al, C F D 1117,
Malinda Williams, et al C F D 618,

wherein we filed a motion prior to June 26th 1906, for a rehearing in behalf of some members of the Ward Family in this case.

We desire to state that on account of the limited time allowed us in which to investigate this case we did not have the opportunity to go into it as thoroughly as we desired and since the motion was filed we have made a thorough examination of this case both in Kansas and in the Cherokee Nation and after a thorough investigation of the case we find that from the standpoint of the applicants, if a rehearing was granted us in this case we would be unable to add any strength to the applicants side of the case.

Abraham Ward informs us that he took his wife to Kansas with him and she did not return until he did and that Amanda Williams certainly must be mistaken. We had Amanda Williams on the stand recently in the Court here and she stated she was born before the war but declared that she was just 24 years of age. Abraham Ward also advised us that he did make a trip down to the Nation in the fall of 1866 together with his father and brothers but did not remain here and that they thought that was a compli-

ance with the treaty and that they did not come again until in the Spring of 1867. The records in Kansas and book accounts at the stores there show them as trading up there for some time after February 11 1867 and the best citizens around Mound City who have not testified in the case advise us that they remember that the Wards were there some time after the 11th day of February 1867, and the people we first interviewed say after thinking the matter over carefully that Peter Wards sons came back to Kansas with him after they visited the Cherokee Nation in the Fall of 1866. The marriage records show a number of them married up in Kansas in 1868 and in 1867.

In view of the situation as we find it and of what Abraham Ward himself now tells us, we do not believe any strength can be added to the applicants case if a rehearing was granted and therefore the motion filed by us in these cases may be dismissed so far as we are concerned or if not in your jurisdiction to dismiss it then we would consent that you recommend that it be denied by the Department.

If motions have been filed by any other Attorneys of course we would have nothing to do with them.

We have just completed a very thorough investigation of this case and have interviewed every person of any prominence around Mound City Kansas who could know anything about the case and after this thorough investigation we deem it our duty to lay this matter before you in the manner that we have so that you might take such action as you deem proper in the case.

Respectfully,

(SIGNED) Starr & Patten

Muskogee, Indian Territory, August 16, 1906

The Honorable,

The Secretary of the Interior.

Sir:

On April 29, 1904 (I.T.D. 3254-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated July 10, 1903, in the Cherokee freedman consolidated case of Peter Hudson, et al., D 604, et al, wherein the applications for enrollment as Cherokee freedmen of Peter Ward, Eliza Hudson, Louisa Ward, Eva Ward, Abraham Ward, Artes Ward, Ben Ward, Squire Ward, Joseph Ward, Jennie Ward, Eliza Ward, Sadie Ward, David Ward, George Ward, Alonzo Ward, Savannah Ward, Ezra Ward, Elmore Ward, Will Ward, Gracie Ward, Frances Ward, Berry Ward, Malinda Williams, Monroe Williams and Delois Williams, are rejected. On June 26, 1906, there was filed with this office by Starr and Patton of Vinita, Indian Territory, a motion for rehearing of said case, insofar as it rejected the above named applicants, to which motion a reply of the Cherokee Nation was filed on July 26, 1906.

Secretary-2

In their letter to this office of August 4, 1906 Starr & Patten state that after further investigation of the case they find that they would be unable to add any strength to the applicants' side of the case if a rehearing was granted, and, for reasons stated in their letter, they consent that their motion for a rehearing of said case shall be dismissed. Said motion for rehearing, the reply thereto by the Attorney for the Cherokee Nation, and a copy of the letter of Starr & Patten of August 4, 1906, are enclosed herewith, and in view of the statements contained in said letter, it is respectfully recommended that the motion be dismissed.

There was also filed with this office on June 26, 1906, by Thomas & Foreman, attorneys, Muskogee, Indian Territory, a motion for rehearing of the applications of "Will Ward and his four minor children and of Alonzo Ward and his three minor children, for enrollment as Cherokee freedmen citizens of the Cherokee Nation."

The record shows that the application of Will Ward for the enrollment of himself and minor children, Gracie and Frances Ward, as Cherokee freedmen, is included in the above mentioned case, and the records of this office fail to show that an application has been made for the enrollment of any children of his other than these two.

Secretary-3

The application of Alonzo Ward for the enrollment of himself and minor children, Savannah, Ezra and Kinora Ward as Cherokee freedmen, is included in the above named case.

The reply of the attorney for the Cherokee Nation to this motion was filed with this office July 17, 1906. There is no claim in this motion as to the discovery of new evidence, or as to the nature of the evidence sought to be introduced at a rehearing, and why it could not be secured, with due diligence, when the case was heard before the Commission, nor is it shown that the motion is not made for the purpose of delay. Said motion and the Nation's reply are also enclosed, and it is respectfully recommended that the same be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

J. H. I.

Commissioner

Encl. 7-30

Muskogee, Indian Territory, August 18, 1906

Starr and Patton,

Attorneys for Peter Hudson, et al.

Vinita, Indian Territory.

Gentlemen:

Receipt is acknowledged of your letter of August 4, 1906, referring to a motion for rehearing in the Cherokee Freedmen consolidated case of Peter Hudson et al. The contents of said letter have been duly noted.

Respectfully,

L M B

Commissioner

Land
72347-1906

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 28, 1907.

The honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter (I.T.D. 3254-1904), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated August 16, 1906, transmitting the motions for rehearing together with the replies of the Cherokee Nation relative to the application of Peter Hudson, et al., for enrollment as Cherokee freedmen.

On June 25, 1906, Starr and Patten, attorneys for the applicants, filed a motion for rehearing in the consolidated case of Peter Hudson, et al., in which the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the applications for the enrollment of Peter, Louise, Eva, Abraham, Artes, Ben, Squire, Joseph, Jennie, Eliza, Sadie, David, George, Alonzo, Savannah, Ezra, Elmore, Will, Grace, Frances, and Barry Ward, Eliza Hudson, Malinda, Monroe, and Delois Williams as Cherokee freedmen, was approved by the Department on April 29, 1904 (I.T.D. 3254).

1906.

On July 26, a reply to this motion was filed by
W. V. Hastings, attorney for the Cherokee Nation.

On August 4, 1906, Starr and Patten informed the Commissioner by letter that they desired their motion for rehearing dismissed as they had no further testimony to offer on behalf of the applicants which would strengthen their case. A copy of this letter is enclosed.

The Office concurs in the recommendation of the Commissioner that the motion above referred to, be dismissed.

On June 25, 1906, Thomas and Foreman, attorneys, filed a motion for rehearing in the matter of the application of "Will Ward and his four minor children and of Alenzo Ward and his three minor children, for enrollment as Cherokee freedmen."

The application of Will Ward for the enrollment of himself and his minor children, Gracie and Francis Ward, as Cherokee freedmen is included in the case of Peter Hudson, et al., above referred to. The Commissioner reports that he is unable to find any record of an application for the enrollment of any other children of Will Ward than those above mentioned. The application of Alenzo Ward for the enrollment of himself and his minor children, Savannah, Kara and Kinara Ward as Cherokee freedmen, is also included in the case of Peter Hudson, et al.

The reply of the Cherokee Nation was filed on July 17, 1906.

As the motion for rehearing does not show that new evidence has been discovered, or that the motion is made for any

other purpose than that of delay, the Office concurs in the recommendation of the Commissioner that the motion be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD-C

D.C. 7780-1907

Y.P.

I.T.D. 1848-1907.
LRS

DEPARTMENT OF THE INTERIOR, THE
WASHINGTON.

February 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing in the Cherokee freedman case of Peter Hudson, et al., received with your letter of August 16, 1906, and Indian Office letter of January 28, 1907 (Land 72347-06), are denied, in accordance with the recommendations made by you and the Indian Office. A copy of the Indian Office letter is inclosed.

The papers in the matter have been returned to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

2 inc. and 6 for Ind. Of.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND.
12162-1907
21308- " (COPY)

March 2, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith motion for review and re-hearing of Departmental decision of February 4, 1907, in denying motion for re-hearing in the Cherokee freedmen case of Peter Hudson, et al., filed in this Office by Kappler & Merrillat, attorneys for Will Ward and his children, who are parties applicant in the consolidated freedmen case of Peter Hudson, et al.

The motion alleges that an injustice has been done the parties in this case, for the reason that their interests have been consolidated with other interests, which are not supported by sufficient testimony, and that these applicants have lost a just right to enrollment by reason of their case having been consolidated with the case of others, and particularly with reference to Abraham Ward.

The motion is supported by affidavits of Cherokee Indians by blood, and others. The Office is of the opinion that the motion should not be granted at this time, and it is therefore recommended that it be denied.

The record in the case is enclosed herewith.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

(COPY)

D.C. 13299-1907.

I.T.D. 7834-1907.

L.R. 8.

DEPARTMENT OF THE INTERIOR,
WASHINGTON

Y.P.

LLB

March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing of the Cherokee Freedman case of Peter Hudson et al., filed in the Indian Office by attorneys for applicants, is hereby denied, as recommended by that office in letter of March 2, 1907 (Land 21308), copy inclosed.

The papers in the matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock

Secretary.

1 inc. and 8 to Ind. Of.

J. M. P. 3/4/07.

Cherokee
R 292

1907

Muskogee, Indian Territory, March 7, 1907.

Malinda Williams,

Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the motion for a rehearing in your Cherokee freedmen enrollment case was denied by the Secretary of the Interior February 4, 1907.

Respectfully,

[SIGNED] *Tams Bixby.*

HJC

Commissioner.

Cherokee F
R 281 et al.

COPY

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing filed in the Cherokee freedmen enrollment case of Peter Hudson, et al., was denied by the Secretary of the Interior February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Tams Bixby*

Encl. HJ-84.
HJC

Commissioner.

COPY

Cherokee F.
R 281 et al.

Muskogee, Indian Territory, March 7, 1907.

Starr & Patten,

Attorneys for Peter Hudson, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion for a rehearing filed in the Cherokee freedmen enrollment case of Peter Hudson, et al., was denied by the Secretary of the Interior February 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. NF-65
EJC

SIGNED *Tams Brady*
Commissioner.

Cherokee F
R 222.

Muskogee, Indian Territory, April 1, 1907.

Malinda Williams,

Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by your attorneys, Kappler & Merillat, for a rehearing of the Cherokee freedman enrollment case of yourself and children, was denied by the Secretary of the Interior, March 4, 1907.

Respectfully,

Acting Commissioner.

LMC

Cherokee
R 282.

Muskogee, Indian Territory, April 1, 1907.

Kappler & Merrillat,

Attorneys for Peter Ward, et al.,

Washington, D. C.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-102
LMS

D. Rodger
Acting Commissioner.

Cherokee T.
R 282.

Muskogee, Indian Territory, April 1, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a re-hearing of the Cherokee freedman enrollment case of Peter Ward, et al., was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. C-103.
LMC

Geo. D. Rodgers,
Acting Commissioner.

Cher. Fr. R - 293

Cher. Fr. R. 293

See Cher. Fr. R. 294

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 13, 1901.

In the matter of the application of John Towers for enrollment of himself as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant;
J. S. Davenport, of Counsel for Cherokee Nation.

John Towers, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John Towers.
Q How old are you? A I guess I am about 51 or 52.
Q What is your post office address? A Spavins Mill.
Q What district do you reside in? A Saline district.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Well, my wife says she is a state woman, I don't know whether I can enroll her or not, I just come to enroll myself.
Q Got any children under 21 years of age? A No, sir, got none.
Q You want to apply for your wife; what is her name? A Mary.
Q How old is she? A I reckon she is about 51 years old.
Q Does your name appear upon any of the rolls of the Cherokee Nation?
A Yes, sir, it is on the Wallace roll and I guess on the Clifton roll too I reckon.

Q Is it on the roll of 1880? A I don't know whether or not it is on the 1880 roll, it might be.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1890 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Haven't you been enrolled before? A Yes, sir, I was enrolled before; not here I am not.

Mr. Mellette: Who was your master? A Ellis Towers.

Q Did you ever belong to Jim Landrum? A No, sir.

Q What is your mother's name? A Her name is Nellie Towers.

Q Is she on the roll of 1880? A Yes, sir, she is on the 1880 roll with William Lynch, he married her.

Commissioner: What is your father's name? A I don't know nothing about my father.

Mr. Mellette: Who did you say was your master? A Ellis Towers.

Q Was he a Cherokee Indian? A Yes, sir.

Q Recognized citizen of the Cherokee Nation? A Yes, sir.

Q Were you a resident of the Cherokee Nation at the beginning of the war? A Yes, sir.

Q Where did you live? A In Saline district.

Q Did you go out of the Cherokee Nation during the war? A They carried me to Texas.

Q When did they come back? A I came back in '66.

Q Where did you come to? A I came through Gibson.

Q Where have you lived since that time? A I stopped up on Lynch's Prairie.

Q I mean what country have you been living in? A I been living in Saline district when I was here; sometimes I would go out in the states and work a while and come back.

Q Where has been your home since you came back here in '66?

A In Saline district.

Q Got a farm over there? A Yes, sir.

How long have you had a farm over there? A I been living there I reckon 21 years.

Q You say you came to Fort Gibson with your master in '66 from Texas? A No, sir, I left him in Texas.

John Towers - 2.

Q You left your master back in Texas and came through alone?

A No, sir, I didn't come a lone, I came with some more colored folks.

Q After you left Fort Gibson where did you go? A I came up here on Lynch's Prairie hunting my mother.

Q What is your mother's name? A Her name is Nellie Towers, she belonged to old Mrs. Towers, Ellis' mother.

Q Where was she during the war? A I guess she went to Kansas, my mother.

Q What rolls are you on? A I am on the Wallace roll, and I am, I don't know whether I am on the Clifton roll or not.

Q Was there a contest about the Clifton enrollment; did you draw any pay on that? A No, sir, I never drew any.

Q Did you apply for enrollment? A Yes, sir, I did.

Q What did they do with you, when you applied for enrollment?

A They enrolled me over here on the roll yonder by --

Q They put you on the Clifton roll did they? A I don't know whether they put me on the Clifton roll over there or not, they enrolled me, made out an affidavit and received it, I did.

Q Did you receive any notice as to whether you got on the roll or not? A No, sir, I never received nothing.

Q Did you go back to get your money? A Yes, sir, I went to get it but I didn't get it.

Q What did they say was the reason? A They didn't say, just said I wasn't on the roll, and I proved that I belonged to Towers, I don't know of anyone belonging to Towers but myself.

Q Who is this other John Towers? A He is a man that belongs to Landrums, Jim Landrum I think owned him before the war.

Q Where does he live now? A He lives up there in the bottom close to Bowlings Ferry.

Q Close to where you do? A No, sir, above me.

The Kern-Clifton roll examined and the applicant not identified thereon.

The Wallace roll examined and the applicant identified thereon, page 141, No. 2959, Saline district.

Mr. Davenport: John, you went south you say before the war; during the war? A Yes, sir.

Q Now when you came back, to what point did you come? A I came up here on Lynch's Prairie.

Q How long did you stay there? A Why I stayed there two or three weeks I reckon.

Q Then you went to Arkansas? A I went over in Arkansas and worked a while and then come back.

Q Then before you came back to remain you remained a short time and went back to Arkansas? A Yes, sir, I worked backwards and forwards in Arkansas, backwards and forwards all the time.

Q During the Kern-Clifton enrollment you couldn't tell how long you had lived in the Cherokee Nation since the war, could you? A Why I had been in and out all the time.

Q After you came from Arkansas a short time after the war you went to Kansas and stayed a while? A I went up there and stayed a while.

Q How long did you stay up there? A I didn't stay more than a month or two months I reckon.

Q Did you ever know a man by the name of Armstrong? A Yes, sir.

Q Where were you when you were with him? A Arkansas.

Q Or Texas? A No, sir.

Q Where did Armstrong live when you first knew him? A He lived in Neosho, Missouri.

Q You belonged to him at that time, didn't you? A No, sir, I didn't.

Q Wasn't you sold to Armstrong and didn't you belong to Armstrong?

John Armstrong - 3.

at the breaking out of the war? A No, sir.

Q Did you know Joe Thompson before the war broke out? I don't remember him.

Q Did you know Lon Lynch? A Yes, sir.

Q You been living over there on Lynch's Prairie all the time you have been living in the Cherokee Nation since you returned? A Yes, sir, right there.

Q Can you tell us now about definitely how long you stayed in Arkansas during ~~that~~ all the times you ever went there, how long did you stay there? A I don't know, I didn't stay there so powerful long, I was over there, sometimes I would stay two or three months probably, or a month sometimes, I was in and out all the time.

Q How long did you stay in Kansas when you went up there? A I didn't stay in there very long.

Q In fact, you have been leading kind of a wandering life since the war, here and there for a while, in that way? A I just rambled around a good deal, I came back home, made this my home all the time.

Q How long have you been married? A I have been married, I don't know, I reckon 20 or 21 years.

Q Where was your wife living when you married her? A She lived in the state.

Q What state? A Neosho, Missouri.

Q Have you been living in Missouri some too since the war?

A No, sir.

Mr. Mellette: You never lived any other place for any length of time except in the Cherokee Nation? A Lived any other place; why when they taken me down south I stayed down there till I came back here.

Q That was during the war? A Yes, I haven't lived any other place only I made this my home.

Q You go out to work a few months at a time and come back?

A Yes, sir, I go out to work and come back.

Mr. Davenport: Your mother's family never did come back here with you after the war? A No, sir, they were here when I got back.

Q Where did they live when you got back? A They lived there on Grand River on Lynch's Prairie.

Commissioner: Where were you married? A I was married in Missouri

Q Your wife living? A Yes, sir.

Q You lived with her continuously since you married her? A Yes, sir

Q She ever married before you married her? A No, sir, not that I know of.

Q Were you ever married before you married her? A No, sir.

Q Neither of you were ever married before? A No, sir.

Q Got any children? A No, sir, got none.

Q Never had any children by her? A No, sir.

Q Were you married according to the laws of the State of Missouri?

A I got a preacher to marry me, I don't know whether I married according to law or not, I got him to marry me.

Fred Martin, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Fred Martin.

Q Where do you live? A Saline district.

Q How old are you? A 45.

Q Are you a recognized freedman citizen of the Cherokee Nation?

A Yes, sir.

Q On the roll of 1880? A No, sir.

Q What do you mean by saying you are a recognized freedman citizen are you on the authenticated roll? A I was put on a straight card by testimony.

Q Here? A Yes, sir.

Q Do you know the applicant, John Armstrong? A Yes, sir.

John Armstrong - 4.

Q When did you see him after the war, the first time? A I saw him right in the fall of '66 just before we left Fort Gibson for on the river.

Q Where did you see him? A I saw him at father's house.

Q Where? A Fort Gibson.

Q You saw him at Fort Gibson? A Yes sir.

Q That was the fall of what? A '66, late in the fall, just before we moved from Fort Gibson up here on the river.

Q What was he doing there? A I don't know what he was doing, but he was just a boy like.

Q Where did you see him after that? A Next time I seen him was up on Grand River here at Judge Lynch's.

Q Have you seen him since that time up to the present time?

A Yes, sir, I saw him off and on for several years and for the last 22 or 23 years I have seen him constantly; he lives right in the neighborhood not over two miles from where I live.

Mr. Davenport: You don't know to whom he belonged before the breaking out of the war? A I don't know anything about that.

Q When the war closed you were about seven or eight years old?

A I am 43 now, was the first day of last May past.

Q How old was the applicant here when the war closed? A I don't know.

Q Was he larger than you or smaller? A He was larger than I was when I saw him in '66.

Q You don't know whether he lived with Armstrong when you first saw him or not? A No, sir, I don't know anything about Armstrong at all.

Anderson Lynch, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: State your name? A Anderson Lynch.

Q Where do you live? A I live over on the Grand River.

Q How old are you? A I am 64.

Q Are you a freedman citizen of the Cherokee Nation? A Yes, sir.

Q On the roll of 1880? A Yes, sir.

Q Do you know the applicant John Towers? A Yes, sir.

Q I will ask you when you saw him first after the war? A It was nearabout Christmas time, it was in '66 nearabout Christmas, he came to my house hunting for his mother; nearabout Christmas time in '66.

Q Where were you living? A I was living over there on the Lynch's Prairie, on a place there.

Q What country? A It was over there.

Q I mean what Nation? A This Nation.

Q Cherokee Nation? A Yes, sir.

Q Where has he been since that time? A I don't know sir, he came there a while and went away, and every once in a while he would be back here to see his mother.

Q Have you known him during the last 15 or 20 years? A Yes, sir.

Q Where has he lived? A Lived up there, till he came and bought a place down there and came and settled down.

Q When did he buy a place there and settle down, how long ago?

A I can't tell just exactly when, it has been a good while I guess.

Mr. Davenport: You didn't see him at Fort Gibson? A No, sir, I never saw him.

Q Reckon anyone else saw him at Fort Gibson in '66? A That was in the winter, no I never saw him down there.

Q Never heard of his being there either? A I heard of him coming through there.

Q Coming from Arkansas through Fort Gibson? A Well, I reckon he was coming from Texas, or some place.

Q You don't know where he went, do you? A No, sir.

John Towers - 5.

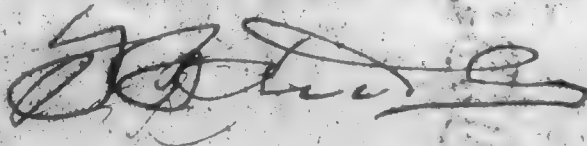
Exhibit X

Commissioner: John Towers applies for the enrollment of himself. He cannot be identified upon the roll of 1880, or the census roll of 1886, or the Kern-Clifton roll, but is identified upon the Wallace roll. For proof as to his residence and citizenship, reference is made to the testimony. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further consideration by the Commission. He will be notified by mail of the action of the Commission on his application when a decision is arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of June, 1901.



Commissioner.

Ellis Ratcliffe, b. 1873

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 20, 1901.

In the matter of the application of Eliza Ratcliffe et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

J. H. KIDD, appearing before the Commission and being duly
sworn and examined, testified as follows:

Mr. Hastings: What is your name? A J. H. Kidd.

Q What is your age, Mr. Kidd? A I am 56 years old.

Q What is your postoffice? A Clyde, Washington County, Arkansas;
Cane Hill is nearer, but I live near Clyde, one mile this side.

Q What was your father's name? A Tandy K. Kidd.

Q Where did you live before the war, you and your father? A I
lived in Washington County right in Cane Hill.

Q Near where you live now? A Yes, sir.

Q Did your father have a slave before the war named Eliza Ann?

A Well now as for the Eliza part I don't recollect that, we always
called her Ann.

Q You know where your father got her? A Got her out of the Cherokee
Nation.

Q And you know from whom? A Ratcliffe.

Q Do you know whether or not your father owned, or whether he had
her hired? A He owned her.

Q Did he own her when the war came up? A Yes, sir.

Q How long had he owned her when the war came up? A Well now I
don't recollect, I was small, it was some time though before the war;
I can't recollect dates at all.

Q As much as four or five years or more? A Yes, sir.

Q More than that? A Yes, sir.

Q What became of her during the war, Mr. Kidd? A Well when the
war came up we carried our negroes south and we first stopped in
Montgomery County ten miles from Mt. Ida.

Q Is that in Arkansas? A Yes, sir.

Q Well? A We stayed there, as well as I recollect, about 2 years.
and then we moved down into Saline County, I believe it is called.

Q Is that in Arkansas? A Yes, sir, still in Arkansas; went
sorter down by the Saline Salt Works.

Q And that was in Arkansas? A Yes, sir; and we stopped there
and run the salt furnace there for sometime, and then we moved from
there to Clarksville, Texas, Red River County, and we stayed there
on the Jackson farm, as well as I remember, a year, maybe two years,
until the war closed at any rate; we stayed there till the war closed
and after the war closed I was at home here and our teams and negroes
were all out there, and I went myself out after the teams and brought
back all of our old darkies that wanted to come home, and Ann and
Ellis Kidd; he was born before the war, I don't remember his age
though.

Q Now who was the mother of Ellis? A Ann.

Q Did Ellis go these routes with his mother? A Yes, sir; and I
brought them back to Van Buren and they wanted to stay off there,
and several of the old darkies stopped off, and some went home.

Q You left them in Van Buren? A Yes, sir.

Q When was that? A It was the year the war closed.

Q In '65? A Yes, sir; I left her down there, and I was down
there some four years, five years maybe, after that, I don't recollect,
and I went to see Ann, she was our cook, my father's cook before the war.

- Q Well, was she there then? A Yes, sir.
- Q That was four or five years after you left her there? A Yes, sir.
- Q Her boy there? A Yes, sir.
- Q Ellis? A Yes, sir, I suppose so, I never saw him, I saw his mother, I think he was out somewhere she told me, I disremember now.
- Q Did you ever see her after that? A Never seen her since.
- Q You don't know where she has been living since that? A No sir I don't know.
- Q You say Ellis was born before the war up at your place? A Yes, sir.
- Q He went the routes with his mother and came back and you left him at Van Buren with her? A Yes, sir.
- Q They were slaves of your father when the war came up? A Yes, sir.
- Mr. Mellette: How old are you? A I am 56 years old.
- Q Do you know the applicant here, Eliza Ratcliffe? A I know Ann, I don't know whether her name was Eliza or not, we never had that name in the family, we always just called her Ann.
- Q You don't know whether the applicant for enrollment here is the person you are talking about or not? A Well I don't know only from the evidence I have heard since I have been here; I left her as I have said in Van Buren and I haven't saw her since five years after I left her there.
- Q How long ago since you have seen the woman you are talking about?
- A Oh, it has been, I don't recollect; it was some four or five years after I left her there.
- Q Well that must have been five or six years after the war?
- A Yes, sir, I guess it was, four or five or six, along there.
- Q You haven't seen her since? A No, sir, not since I made her a visit.
- Q You ever seen the boy? A Never have since I left him there.
- Q Ellis? A Never have seen him.
- Q Do you know a man by the name of Leech? A Leech; yes, sir, there was several families of Leeches living about Cane Hill.
- Q Do you know a Leech that lived in the Cherokee Nation? A No, sir, that is his given name?
- Q I don't know his given name? A That is the family of Leeches there that has been there years and years.
- Q How old were you when the war broke out? A Well I was born in '45.
- Q You were about 15 years old? A Yes, sir, about 15.
- Q Did you stay at home all the time? A No, sir, the latter part of the war, well I was backwards and forwards; before the war I was at home all the time; before the war.
- Q Up to the beginning of the war? A Yes, sir.
- Q Who attended to your father's business? A Why my oldest brother after his death.
- Q When did your father die? A He was killed in Boonsboro, the first year of the war.
- Q How do you know that your father bought this woman you are talking about? A I just heard him say it as all I know about it, I didn't see him buy her or pay for her.
- Q It was just the talk? A Yes, sir, I know she stayed with the family all the time until the war closed.
- Q How many slaves did you take south? A I don't remember, it seems to me there was a good big drove of them.
- Q About how many? A Why I can sit down and count them up, but I don't recollect thirty years back all of them.
- Q Well, what was their names? A Well, there is one her name was Fannie, she was a house woman there to, and the men folks was Sam, Peter, and two Docs, I distinguished them by Long Doc and Doc Grady.
- Q Well, that all you can remember? A Oh no, there was Bob, Harriett, she is dead, and Ellen, Caroline and her children, I forget their names.
- Q All you know about this applicant, or about the woman you are to

tifying about, is that her name was Ann? A Yes, sir, I know her name was Ann, and she stayed with us till after the war closed.

Q Now where was she when the war broke out? A She was in Cane Hill in Washington County.

Q How far is that from the line? A Well, it is just six miles from Dutch Mills.

Q Dutch Mills in the Territory? A No, sir, it is in the State, Washington County.

Q Then what made you mention Dutch Mills? A Well, it is near the line; you asked me how far from the line, and I told you about six miles from Dutch Mills, that is right on the line.

Q Well did this woman Ann that you speak of ever go over into the Territory during that? A Never, I don't reckon.

Q I am not asking what you would reckon, I want to know whether she did or not? A No, I don't reckon she ever did, I can't tell that certain; you see all that has been a long time ago.

Q Do you remember when she came to your father's house? A Yes, I remember the time when my father brought her there; the man that sold her.

Q Do you know the man that sold her to him? A No, sir, I don't know him, she always called him Mr. Ratcliffe, I don't know his given name or anything about that.

Q Did you hear any trade between your father and this man for her?

A No, sir.

Q Then you don't know of your own knowledge that your father bought this woman Ann at all? A Nothing more than hearing him talk about it at home, didn't see the trade made; my father bought a great many darkies about that time.

Q Now when you left Cane Hill during the war, where did you go?

A We went first to Montgomery County near Mt. Ida, ten miles from Mt. Ida on the South Washita.

Q Did you go into the Indian Territory? A No, sir.

Q How old a woman was Ann at that time? A I don't know her age, she was a woman grown though when my father bought her and she came there.

Q When was this boy Ellis born? A Well I don't recollect when he was born, he was a right smart kid when we went out; I recollect the little fellow, we used to hire him to dance, when he was five or six years old.

Q Well, where was he born? A At Cane Hill at my father's home.

Q How many years before the war? A I don't know, I guess two or three years, I don't recollect.

Q And before you went out you used to hire him to dance? A No, when we were out on the road, the boys would hire him to dance, he was a little fellow.

Q Then he must have been about five years old when you went out?

A Well I don't know, well it was somewhere along five, I can't tell; as I said, I can't recollect dates, I just remember the woman that we called Ann, she was my father's cook for years.

Q You don't know anything about this man Ratcliffe? A No, sir.

Q How many slaves did your father have ~~she~~ from the Indian Territory? A Let me see; he owned her and one from the Creek Nation; I believe that was all that was from the Territory, just them two I think; all I can recollect.

Q What was your father using the slaves for there on Cane Hill?

A Farming.

Q Raising cotton? A No, sir; no, sir, grain.

Mr. Hastings: Were there any other kids that lived at Cane Hill, Arkansas, except your family, before the war? A No, sir.

Q None? A No, sir, none in Washington County.

Q That was the only slave your father got from a man by the name of Ratcliffe? A Yes, sir, the only one I have any recollecting of buying out of the Nation, except this Creek.

Q You know that he owned her like you know that he owned other

property? A Yes, sir, he owned her as other property.

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CHARLES M. McCLELLAND, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Charles M. McClelland.

Q How old are you? A I am going on 56.

Q Where were you born? A Cane Hill, Arkansas.

Q Where were you living the first few years before the war?

A Cane Hill.

Q You lived there from the time you were born up to the war, most of the time? A Yes, sir.

Q You know this man Kidd that has just testified? A Yes, sir, Jim Kidd, we were raised right together.

Q Did you know his father? A Yes, sir.

Q You were brought up together? A Yes, sir, we were between a quarter and a half mile apart.

Q Did you know a slave that they owned before the war, by the name of Eliza, or Ann? A I didn't know Eliza, I knew a girl they had named Ann.

Q You know where they got her? A No, sir, only by hearsay.

Q Well, do you know whether she came from the Cherokee Nation?

A That is what I always understood.

Q Did she have a child? A Yes, sir.

Q What was his name? A Ellis, a little boy.

Q About when was Ellis born? A Well I can't tell you just when but he must have been somewhere between three and five years old in '62, about that age I think, a little fellow running around, I can remember him very well.

Q You say he and his mother belonged to Mr. Kidd? A Yes, sir.

Q Do you know what became of them during the war? A Well the last time I seen them, I stayed with the Kidds in the winter of '63 and '4, I guess it was '63 and '4, I may be mistaken, it might be '62 and '3, but I think it was '63 and '4, in '62 and '3 and they were close to Mt. Ida, Arkansas, and I stayed there for oh I guess two or three months: we were quartered down in the southern part of the state, our battalion was, I got a furlough and went up there and stayed two or three months, I don't know just exactly though, perhaps only two months, and this girl she was there and the boy too then; or the woman

Q Well, did you see them after the war? A No, sir, I have seen Ellis after the war, the boy, he came once, he heard I was at Van Buren and he came up and told me who he was, I think he told me he was working there, breaking in the yards there at Van Buren.

Q You saw him there? A Yes, sir, saw him and talked with him.

Q You never saw his mother? A Not that I know of, no, sir.

Q Don't remember ever seeing her after the war? A No, sir.

Q About how old a woman was his mother? A Well, I don't recollect what age she was, must have been about - well I don't know, you can't tell a negro's age, I don't know how old she was, she wasn't an old woman.

Q She was grown when the war came up? A Yes, sir, she was a young woman, I think about twenty, perhaps might have been 25, but I would think she was somewhere in twenty, I don't know.

Q How long did you know her at Mr. Kidds before the war? A I don't recollect, several years though, I don't remember that, I was just small myself, I was only about 15, but she was there several years.

Mr. Mallette: Now Mr. McClelland, you don't know that the woman you are speaking of is the one that is applying here for citizenship?

A I don't know anything about that, I know there was a woman there they called Ann Kidd that had a boy named Ellis, a little mulatto boy, we all lived right close together, and the Kidds and us, Jim and I were same age and playmates, and I spent a good deal of my time there: was raised together.

Q You don't know of your own knowledge how she happened to be there

at the Kidd's house? A No, sir, don't know a thing about it; I heard them say they bought her in the Nation.

Q I am asking about your own knowledge? A I didn't see them buy her.

Mr. Hastings: Was there any other Kidds around Cane Hill except this family? A No, sir.

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FANNIE DENTON, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Fannie Denton.

Q What is your age? A As near as I know it, it is about 70 years old.

Q You were a slave before the war? A Yes, sir, long before the war, I came from Louisville, Kentucky, and lived about Warrenville a good long while.

Q Who owned you when the war came up? A T. K. Kidd, he has got a son here somewhere.

Q Where did he live? A He lived at Cane Hill.

Q Arkansas? A Yes, sir.

Q How long had you belonged to Mr. Kidd when the war came up?

A Two or three years I reckon: I stayed about a year up to the home farm, and he said he thought he could trust me to be the housekeeper on the lower farm, and I stayed down there about two or three years I guess, I was there in '61, the wind up I know of '61 is when we all run south.

Q Did you know a slave by the name of Eliza, or Ann Kidd?

A Yes, I knew one of the home farm women, named Ann Kidd.

Q Did she have a child? A Yes, sir.

Q What was his name? A Well his name was Ellis.

Q About how old was Ellis when the war came up? A Well he was about two years old or maybe three, I think he was about that old when we run, for I know them white fellows was around the camp having him dancing.

Q What became of Ellis and his mother? A Well they went on with us, just first one place, I can't tell you to save my life, but just one place and another till we got to Clarksville and stopped.

Q They took you south with the family? A They didn't take us, but we went south to Clarksville, Texas, to the Moores, and one of the Kidds married Moore and there is where we went, and when peace was made there is where we were.

Q After peace was made, there did you go? A I came back home, but Ann stopped at Van Buren.

Q Did she come along as you did up to Van Buren? A It has been so long I nearly have forgot it, but I think Ann came ahead of us, two crowds of men brought us, and I think Ann was in the first crowd, but I saw her at Bradie's Hotel when I came through.

Q When was that, how long after the war? A I think about '65, I will not be positive.

Q That was in Van Buren, Arkansas, you say her? A Yes, sir.

Q Was the boy with her then, Ellis? A I don't remember but I think he was, I am not positive about that, you know we didn't stay but a few minutes there, I wanted to hire her, but the white people didn't want me to stop there, I had carried thirty thousand dollars all through the war for them, and because I had carried this money they wanted me to be housekeeper at home, and when we got there everything was burned up and broke so they found they couldn't keep us, and I quit housekeeping and taken in work.

Q I want to talk about this woman; whether she came along with you; you saw Ellis was with her in Van Buren in Arkansas in '65?

A I saw her just a few minutes, I saw Ann Kidd, it was Ann Kidd, I am not positive I saw Ellis; later on I did see him when I was at

Q When did you see her again there? A When I went to Little Rock and stayed thirty days, with one of my girls, she was in college going to school, and I was on my return, and just before I got off one of these McClendon boys met me and helped me out of the train with my things, and I went up to Ann's and stayed a day or two right by her.

Q Do you know when that was? A No, sir, I don't, but it was about '85 I think.

Q You think it was in '88? A I am not positive about that, but anyhow I stayed at Ann McKee's.

Q About how many years ago was that? A About '88 I reckon, no it was worse than that; it was about in '88 I think when I was there.

Q She was living there then? A Yes, sir, she had a home of her own there.

Q Did you see Ellis there? A I don't know whether I got to see him that time or not, he was married and him and his wife lived together, but I was at Ann's, she was married to a man named Mackey.

Q That is Ann Ratcliffe? A Yes, sir; I don't know whether she was married to him, they were living together and she said that was her husband; she had two little children, grandchildren, of Ellis, I think keeping them there; if I heard their names I would know them but I don't know them now; wasn't one of them Walter, or have any of you his name; and they were two different women's children; them children I am talking about was two different women's children.

Q Well, did you ever see her any more down there? A No, sir, I don't believe I did, she went to the Nation later on.

Mr. Mallette: How much money did you carry during the war? A Thirty thousand dollars, and have got witnesses to prove it; thirty thousand dollars, carried it for old T. K. Kidd.

Q Was it greenbacks? A It was silver and war bonds.

Q You carried it with you how many years? A Well, in '61 I had it, about in '62, down till after peace was made.

Q Peace was made in '62? A No, sir, it was made later on, but about '62 I had it, in '61 or '62 and that is when they gave it to me.

Q And you carried it all during the war? A I carried it the balance of the time.

Q How long? A There is white people at Fayetteville can tell you.

Q I want to know how long you carried the money? A I think from '62 down to about '64, maybe along into '65.

Q Now who took you south? A Why the overseer and one of the boys.

Q What boy? A I think one of the Kid boys, I believe it was, yes sir it was Lucius, and he was killed.

Q Lucius Kidd took you south? A With this overseer, him and the overseer took the darkies south.

Q Was this woman Ann with you? A Yes, sir.

Q Went right along with you out there did she? A No, she couldn't have gone with me, she lived at the home place and I lived at the lower farm, where I kept house, and we camp together on Lees Creek, and I think there is where we camped, and there is where Lucius and all them made the boy dance; he was about two years old.

Q They made the boy dance on Lees Creek? A I think that is where it was.

Q You remember them making him dance on Lees Creek? A I recollect it wherever we were camping that night.

Q How old a boy was Ellis at the time they made him dance? A I can't tell you to save my life.

Q Measure with your hand? A He looked like he was about that high (indicating).

Q About two feet and a half? A He looked just about that high; when we were getting supper they had that little boy dancing.

Q How do you remember that? A Because I was sitting around, I didn't have nothing to do.

Q How do you happen to remember that boy dancing? A They were always having him.

Q Have you talked about this case before you came here, on the

stand? A Never talked only here since I came to this place; I didn't know what they wanted me to talk about.

Q Have you and Mr. Kidd talked together? A Which Mr. Kidd?

Q This one here? A CNDst since we came.

Q You all talked together in Mr. Hastings' office? A Yes, sir, I did since we came here.

Q Did you ever remember anything about the dancing until you heard Mr. Kidd say the boy danced? A I never heard him say so without he said it since I say it; I say it myself because them were the most outdacious folks ever was, not only the Kidds but there was a whole lot of white folks together, this man McClelland was one, first one and another, and they were together and they would have the little negro children dancing.

Q Then you stayed right with Ann up to the close of the war? A No sir I didn't stay right with Ann, I never stayed much with my color; you know they were studing about that monye they had me with and I didn't stay with them much.

Q Did you carry this money on your back? A No, sir, I carried it sealed and I kept that and carried it all right.

Q Thirty thousand dollars in silver was a pretty big pile? A It was in a tin box, they put handled on that I reckon, and I run them fingers in that and carried in under my cloak with my baby in my arms when it was six days old, and I hid it in the cotton, and if that gentleman McClelland would have asked that Howe about it yesterday he would have told him..

Q Where did you come from when you came this time? A Came from Fayetteville.

Q How did you come here? A I came on the train.

Q Where did you get the money? A I don't know where the fellow got it that give it to me, one of them attorneys sent the Sheriff down with a piece of writing to me and told me to come up and he could explain it to me, and he did, and later on, I told him I haven't got any money, and he says they will send you a pass, but they didn't do it, but when the time began to draw nigh my conscience felt like I had better go, and I gues and sees the Sheriff, and he says you had better go, and I says, I haven't got the money, and he sayd, I have just spent what I have this afternoon, and I goes next morning up town and took my buggy and horse, and I told him, now I want the money and there stands my buggy and horse, and the Sheriff says Bish will let you have it.

Q Your sold your horse? A No, sir, I pawned it.

Q You had to pawn your horse to get money to come here? A I did, had to pawn my buggy and horse.

Q Who brought you back from the south after the war? A Jim Kidd stayed home and I think he brought me.

Q What Jim Kidd, the man that is here? A Yes, sir.

Q Are you swearing by what you know or what Jim Kidd said? A I am swearing by what I know.

Q Who brought you back? A I told you what I can remember, I remember Andy - you know he was the overseer - and Jim Kidd says he was the one with us, I am not positive about it.

Q Now you know Ann didn't come with you? A She never come any farther than Van Buren for she come that far and stopped.

Q Now didn't Ann come ahead of you? A She must have come ahead, I know I run in the hotel and seed her.

Q Then Ann didn't come in the same crowd you did? A She came ahead of us.

Q If she was ahead she couldn't have been in the same crowd?

A You don't know how our folks came.

Q You are swearing about Ann being at a certain place just before the war; now I want you to swear where she was along after the war when she came back with you? A I told you as near as I can remember that she was ahead, they might have all started with us, but I think Jim beat us there because I tell you I run in Broadie's Hotel and

she was there.

Q You remember running in Broadie's hotel? A Yes, sir, I do.

Q Where did you find her in there? A She was standing in there.

Q In where? A In the kitchen.

Q You remember seeing her in the kitchen 35 years ago? A I don't know when it was but it was when we came through there.

Q Was she there when you got there? A I don't know whether she was or not, you know I had my baby, and it has been so long and my white folks didn't allow me to be away from them very much, and I don't remember whether Ann started with us and beat us there.

Q Or whether she started a long time before you? A I don't remember, but later on I visited Ann.

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ROBERT RATCLIFFE, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Robert Ratcliffe.

Q What is your age? A About 29, near thirty.

Q What is your postoffice? A Tablequah.

Q How long have you been living at Tablequah? A Eight years, soon will be.

Q Where did you come from when you went to Tablequah? A Van Buren.

Q Where were you born? A I was born near Dardanelles some place.

Q When did you first go to Van Buren? A When I remember I was there; we moved there in about '73.

Q You were a baby, a boy? A Very small, yes, sir.

Q Do you know a colored man by the name of Ellis Kidd, or Ellis Ratcliffe? A Yes, sir, I know him.

Q How long have you known him? A Ever since I can remember.

Q Where did you first know him? A Van Buren.

Q Do you know his wife; is he a married man? A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q What is his wife's name? A The one he has got now is named Mollie.

Q Has he had more than one? A He was married twice.

Q Well what was his first wife's name? A I believe her name was Eugene Berry, if I make no mistake, I am not certain it was Eugene, but it was a Berry.

Q Do you know any of his children? A Yes, sir.

Q What are their names? A One is named Nathan, one named Oscar and Iron.

Q The father of these children, Ellis, is the one you know? A I suppose it is.

Q Do you know his mother? A Yes, sir.

Q Where did you know her? A Van Buren.

Q What was her name? A Ann Mackey when I first knew her, that was her husband's name.

Q How long have you known her? A Ever since I can remember.

Q Where was she living when you first knew her? A Van Buren.

Q How long did she continue to reside there? A Why she stayed there till about nine or ten years ago, between nine and ten years ago that she came to this country.

Q Do you know where she went to? A Went to Tablequah I think.

Q Where did Ellis go? A He came to Tablequah about between seven and eight years ago; well he came up the time she did, but he never moved there until after I went there; he was just backwards and forwards.

Q You know where Ellis is now? A I haven't seen him for four years.

Q Don't know where his postoffice is? A No, sir.

Q Know where his mother is now? A I haven't seen her.

Q They lived at Tahlequah a while? A Yes, sir.

Q You know whether Ellis plays on any stringed instrument or not?

A Yes.

Q On what? A Guitar.

Q Where did you live along about the Cherokee payment, 1894? A He was in Tahlequah during the payment, he hadn't moved then, I guess he was at Van Buren then; he was at Tahlequah during the payment.

Q Now you say that you knew Ellis' mother ever since you can remember, and that was at Van Buren, Arkansas? A Yes, sir.

Q They continued to live there till eight or nine or ten years ago?

A Yes, sir, then they moved away from there about that time, I think they moved away from there, I don't remember whether it was '92 or '93, somewhere along about that time when they moved from that country.

Q You knew them all that time? A Yes, sir.

Mr. Mellette: You any relation to these people? A Yes, sir.

Q What? A Cousins, Ann is a first cousin to my father.

Q Where did your father live during the war? A He lived in this country at Tahlequah, somewhere near Caney I suppose, he was sold out from here.

Q Are you a citizen of that country? A Never have claimed any citizenship.

Q Born in Arkansas? A No, sir.

Q Ever been arrested? A No, sir.

Q Never in your life? A No more than the police once.

Q When? A Just arrested by the police once in Tahlequah.

Q You have been arrested then? A Yes, sir.

Q What for? A Just with a rough crowd of boys one time and they claimed we were out too late and arrested the whole bunch of us, about ten or fifteen.

Q When did you first go to Van Buren, Arkansas? A When I can remember anything I was there.

Q How old are you now? A I will be 30 years old the 4th day of next March.

Q How long can you remember now? A I can remember back about '75 or '76, I remember in '76 well, my father left me when I was 3 years and 11 months old to the day and I remember that.

Q You can remember back to '76? A Yes, sir.

Q You were three years old then? A I was near four years old then.

Q Where were you living then? A Van Buren.

Q Who were you living with? A My mother.

Q What is her name? A Lizzie.

Q Where is she now? A She is at Van Buren.

Q When you can remember, you remember seeing Ellis Ratcliffe at Van Buren? A Yes, sir, been there ever since I can remember.

Q And the woman that you call Ann Ratcliffe, what is her name?

A Cousin Ann, is all I know of her, just Ann.

Q Never knew her by the name of Eliza? A No, sir, just called her Cousin Ann.

Q Never heard her go by that name? A No, sir, not that I remember of.

Q The woman then you are talking about was known as Ann? A Yes, sir, known as Ann Mackey.

Q Did you ever know a woman called Eliza Ratcliffe? A I never knew her; I don't know what her other name was besides of Ann.

Q In your whole life you have never known of the one you are talking about being called Eliza Ratcliffe? A No, sir, I haven't.

Mr. Hastings: Did you ever hear Ellis' mother talk about where they lived before the war? A Yes, sir.

Q Where did she say they lived? A Tahlequah, somewhere near Tahlequah.

Q And did they claim to belong to before the war? A Ratcliffes.

Q Did they ever go by any other name besides Ratcliffe? A Not that I know of, not that I have heard them say nothing of at all.

- Q Did Ellis ever go by the name of Kidd? A He did.
- Q Why didn't you say so; I asked you if these people, if Ellis and his mother ever went by any other name besides Ratcliffe? A I say she didn't, only Mackey, Ellis was called Kidd all the time.
- Q What did Ellis go by? A Ellis Kidd.
- Q Did he always ~~by~~ go by the name of Ellis Kidd? A He did as far as I can remember.
- Q Did he ever say how he got the name of Kidd? A He said his father was a Kidd.
- Q What did this Ellis Ratcliffe do down there before his marriage, up when he was a young man, what kind of work? A He ~~did~~ done breaking on the railroad, running a brakeman for about 18 years I guess, ever since he has been large enough to work I guess.
- Q Did you ever know any other Ellis Ratcliffe or Ellis Kidd who lived in Van Buren during that time? Any other one besides this one?
- A No, sir, not that I know of.

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John McCarty, appearing before the Commission, and being duly sworn and examined, testified through S. R. Walkingstick, a regularly sworn interpreter, as follows:

- Mr. Hastings: What is your name? A John McCarty.
- Q What is your postoffice? A My postoffice is Tahlequah, Indian Territory.
- Q How long have you lived up about Tahlequah? A I have been there about 59 years, I was born there.
- Q Did you ever know a colored woman by the name of Ratcliffe?
- A Yes, sir, I knew her.
- Q What was her first name? A Well I only knew her by the Indian name, Iyosta.
- Q Where did she live? A She lived this side of Caney near the Illinois River.
- Q Where did she live before the war? A She lived there at the commencement of the war.
- Q Who owned her? A Robin Ratcliffe I suppose was the man that owned her, but there was three brothers all lived together, I don't know which one of the brothers she belonged to, but she lived there with him.
- Q What became of her during the war and after the war, this woman?
- Q I think she must have just stayed there all during the war because when I came back after the close of the war she was at the same place; when we were stationed here during the war, at this place, why if any of the Cherokees should come from over in that neighborhood she would be along with them and they would take her back.
- Q Did she speak Cherokee? A Yes, she spoke good Cherokee, as good Cherokee as I speak.
- Q Did she live among the Cherokees? A Yes, sir, she lived with them all the time, and after the close of the war she still continued to live with the full bloods.
- Q In what district? A Tahlequah district.
- Q Well, how long did she continue to live in Tahlequah district; is she living there now? A Well she died, she has been dead about eight or nine years; she died in about the same neighborhood on Caney.
- Q Now the woman you have been talking about is the woman you mention as having died eight or nine years ago? A Yes, that is the same one; as to the exact time when she died, of course I am not able to tell.
- Mr. Mellette: Now when do you say this woman died you have been talking about? A I think it has been about eight or nine years as I stated, I am not positive as to the time.
- Q She had died at the time of the Cherokee strip payment in 1894?
- A I think so.
- Q Where did she live when she died? A She died on Caney, in

Tahlequah district.

Q At whose house? A She died, so I was told, at a full blood's house by the name of De-gor-ya-shee.

Q What is his English name? A I don't know his English name.

Q Where did you ~~xx~~ last see that woman, Eliza Ratcliffe? A I hadn't seen her for about 16 years, something in that neighborhood; I moved from that neighborhood about 16 years ago.

Q Was she dead before the Kern-Clifton Freedman roll was made?

A Yes, I believe she was.

Q What was that woman's name? A Iyosta, I stated that her name was Iyosta.

Q Isn't that all the name she ever went by? A Yes, all the name she had in Cherokee; that is all the name that she was known by.

Q Was she of Cherokee blood? A I can't state as to that, she was very black.

Mr. Hastings: About how old was she when the war came up? A Why she was a very old woman when the war commenced, she must have been at least sixty years old.

Q About how old was she when she died? A I can't say, it would be difficult for me to guess at her age.

Q You are just guessing at her age? A Yes.

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MOSE ROSS, appearing before the Commission, and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your age? A, 71.

Q Where were you born? A Back in the old country.

Q Well, where were you living ten or fifteen years before the war?

A Right up here on Park Hill.

Q Where did you live after the war? A Right here, down here and up there.

Q In Tahlequah district? A Yes, sir.

Q Did you know a colored woman in the Cherokee Nation by the name of Eliza Ratcliffe? A Yes, sir.

Q Did you know her before the war? A Yes, sir, I knew her before the war.

Q Who did she live with? A Lived with the Ratcliffes.

Q Where was that? A Right down across the river on the other side the river.

Q Other side of what river? A Illinois.

Q In what district? A In Tahlequah I guess.

Q Well about how far from Tahlequah? A Five or six miles.

Q East? A South, right southeast.

Q Do you know where she was living when the war came up? A She was living on Caney.

Q Well how far is that from Illinois River? A It is about three miles I guess.

Q Did you know this woman after the war? I believe you said you did a while ago? A Yes, sir.

Q Where did you know her after the war? A I seen her, the last I seen her she was at Tahlequah.

Q Is she living now? A No, sir, she died.

Q About when did she die? A It has been nearabout four years ago I believe.

Q Where did she die? A She died up on Caney.

Q Do you know whether that woman talked Cherokee or not? A She talked Cherokee.

Q Do you know whether she went out of here during the war or not?

A No, sir, she never went out nowhere, she just stayed among the Indians on Caney, stayed with a big old woman they called Diana.

Q Do you know whether she had a Cherokee name, or do you know; know

whether they called her anything else besides Eliza? A They called her Iyosta, her Indian name.

Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.

Q Did she ever have any boy by the name of Ellis? A No, sir, not as I know of.

Q Did you ever know that young fellow Ellis Ratcliffe or Ellis Kidd that stayed about Tahlequah? A I was just simply acquainted with him, I never knew him until I saw him there at Tahlequah.

Q He wasn't the son of this woman you are talking about, was he?

A No, sir.

Mr. Mellette: When did you say this woman you are talking about died in Tahlequah? A Oh it has been about four years ago, she was in Tahlequah during the last time I saw her.

Q Who was she with? A I don't remember who she was with, I just seen her there in town.

Q Who is older, you or she? A Why she was an old woman, older than I was.

Q Whereabouts did you see her in Tahlequah, what place in Tahlequah? A She was there on the streets, about the stores.

Q You are swearing about that, you are positive? A Yes, sir, swearing about it.

Q Just four years ago you saw her there? A Yes, sir.

Q Speak to her? A Yes, sir, I spoke to her.

Q Where was she living at that time? A Living on Caney.

Q How do you know? A I know there is where she told me she was living.

Q You were never at her house, were you? A No, sir.

Q You were never at her house in your life, were you? A I was there where she was staying with some indians.

Q Before the war? A No, sir, since the war.

Q Did you know her before the war? A Yes, sir.

Q Who owned her? A She used to belong to the Ratcliffes. I don't know which one of the Ratcliffes owned her.

Q Where did the Ratcliffes go during the war? A I am not able to tell you.

Q Did they go out? A I am not able to tell you whether they went out or not.

Q Did you go out? A No, sir, what time I went out I went out terming for the Government, that is as far as I went.

Q Was this Ratcliffe woman you are talking about living with the Ratcliffes before the war? A Yes, sir.

Q You don't know whether they owned her or not, do you? A No, sir, I don't know whether they owned her or not, they said she belonged to the Ratcliffes.

Q You don't know whether she was a slave? A Yes, sir, she was a slave.

Q How do you know? A Because I know she was a slave, they owned her.

Q How do you know it? A Why I know it just because by she wasn't a free woman.

Q Are you any relation to Nelson Lowrey? A No, sir.

Q You know him? A Yes, sir.

Q How close does he live to you? A Why he lives about 7 or 8 miles from me.

Q How did you happen to come here as a witness? A I was summoned down here.

Q Who summoned you? A Nelson Lowrey.

Q When did he summons you? A Tuesday I think.

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JOHN MCCARTY, recalled by applicant, testified as follows:

Mr. Mellette: When were you subpoenaed as a witness to come here?

- 13 -

A It was either Tuesday or Wednesday.

Q Who subpoenaed you? A Nelson Lowrey.

Mr. Hastings: Where were you living in 1880? A I lived in Tahlequah district on the road to Silcox Springs.

Q Do you know where this woman you have been talking about lived at that time? A Yes, she lived around there in that neighborhood that I speak of, was living there all the time.

Q Do you know whether or not she is enrolled? A I don't know whether she was enrolled or not.

FANNIE DENTON, recalled, by attorneys for Cherokee Nation, testified:

Mr. Hastings: Whom did you say that this Ann Ratcliffe was living with when you saw her the last time in Van Buren, who did she marry, or who did she live with? A Her and Mackey were living together.

Q Do you know his first name, Mackey's? A I believe his name was Oliver.

Q She went by the name of Mackey then? A No, sir, I never knew any other name but Ratcliffe in my life.

Q And that is Ann Kidd you have been talking about, that is the same woman you saw down there went by the name of Mackey? A Yes, sir.

Q And she had a son by the name of Ellis? A Yes, sir.

ROBERT RATCLIFFE, recalled by Cherokee Nation, testified as follows:

Mr. Hastings: Do you know what Mackey's first name was? A Oliver.

Commission: This testimony will be filed in the cases of Eliza Ratcliffe, No. D-723, and Ellis Ratcliffe et al., No. D-734, and Rejected Freedman No. 124.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 24th of September, 1901.

C. R. Beckwith

Commissioner.

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38734

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

9 1901



ACTING CHAIRMAN

To be filed in Cherokee Fraction case N. F. 24.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 5th 1901.

SUPPLEMENTAL TESTIMONY in the case of Ellen Roberts S. F. R. 27.

Appearances:

James S. Davenport, attorney for the Cherokee Nation.

By the Commission-

Proof of service made. The applicant having been called three times, once not either by attorney or in person.

ANNA C. ALBERTY, being first duly sworn by Commissioner T. B. Needles testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Anna C. Alberty.

Q What is your post office? A Shoutem.

Q How old are you? A 47.

Q How long have you lived in the Cherokee Nation? A All my life, born and raised here.

Q What was your father's name? A Ellis Towers.

Q Was he living when the war broke out? A Yes sir.

Q Did Ellis Towers own a slave by the name of Ellen when the war broke out? A No sir.

Q Did he own one by the name of John when the war broke out? A No sir.

Q Had he owned slaves by those names prior to the breaking out of the war? A Yes sir.

Q Do you know what became of them? A They were sent sold to a man in Missouri.

Q What was that man's name? A I don't know unless it was Armstrong.

Q You were small then? A Yes sir.

Q Did you ever see them after the war? A No sir.

Q You don't remember that man's name to whom they were sold, that is positively? A No sir not positively.

Q What is your best recollection what his name was? A I don't know. I can't recollect anything about the man's name.

(By the Commission)

Q What relation was you to Ellis Towers? A He was my father.

Q You have this slave Ellen did you? A Yes sir, I have a slight resemblance of her.

Q What is your age now? A 47.

Q At the beginning of the war you were a very small child? A Yes sir.

Q About how old? - when were you born? A In '54.

Q That would make you 2 or 3 years old then at the beginning of the war? A Yes sir.

Q Ellen was sold before the war? A Yes sir.

Q How do you know? A I heard my father talk about it since the war.

Q Do you know whether she was sold out or what? A She was sold.

Q You just heard that she was sold? A Yes sir.

Q And you were just 2 or 3 years old then the war commenced? A Yes sir.

(By Davenport)

Q They were taken away from her? A Yes sir.

(By the Commission)

Q Do you know when it was? A In the last of my recollection it was in '60.

Q You was born when? A '54.

Q You would be six years old then when they were sold? A Yes sir.

This will be filed in Cherokee Freedman cases D. 56 and D. 734.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein

Chas von Weise

Subscribed and sworn to before me this the 7th of October, 1901.



Commissioner.

File with Cherokee Freedman, D-734, John Towers.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1901.

In the matter of the application of John Towers for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

CARILLA S. ROBERTS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name, your first name? A Carilla S. Roberts.

Q Where do you live, Mrs. Roberts? A Neosho, Missouri.

Q What is your age? A 65.

Q Where were you living when the war broke out, Mrs. Roberts?

A Neosho.

Q What was your maiden name before you married? A Carilla Armstrong.

Q Did your father own any slaves at the breaking out of the war?

A Yes, sir, he had some that I thought he owned.

Q What was your father's name? A Hugh C. Armstrong.

Q What were the names of the slaves he had there with him, Mrs. Roberts, at the breaking out of the war, if you know? A John and Ellen.

Q How long had he had them there with him at the breaking out of the war; about how long, as near as you can remember? A I think that he bought John in '59, if he bought him, I don't know when he bought him, but he was home there in '59.

Q Well, did he have Ellen at the same time he had John there, or do you remember as to that? A I don't remember whether we had her after we had John or not, I don't remember, but I know we had her there at the breaking out of the war.

Q You know what became of them after the war broke out, whether they stayed there? A Well they came from the south with us, stayed with us several years, and then they came to the Cherokee Nation.

Q Did they go south with your people from Missouri? A Yes, went south with us.

Q And you brought them back with you, your family, from the south?

A Yes, sir, they stayed with us.

Q Did you come back to Neosho, Missouri, after the war? A Yes, sir, the second year, in May.

Q And they stayed there a while with you? A Yes, sir, and we hired them.

Q Do you know about what year it was you came back from the south?

A Yes, we came back in May just a year after peace was made.

Q That was in May, 1866, then you came back? A Yes, sir.

Mr. Smith: Well, Mrs. Roberts, what did you say your father's name was? A Hugh C. Armstrong.

Q And he lived in Missouri before the war? A Yes, sir, lived in Neosho.

Q And he had a man named John, a slave? A Yes, sir, I suppose he was a slave, he had him there, I can't say that he was a slave, I can't say that he was not.

Q You can't know about that? A No, sir, I don't know.

Q Well, how long was John there with your father? A Well he came there I am pretty certain in '59, to the best of my knowledge.

Q You are not sure about that date? A No, sir.

Q Or year? A Near that time, '88 or '89.

Q How long has it been since you saw this man that he had there with him? A I saw him sometime along in the summer.

Q Where did you see him? A He was at Neosho.

Q That because of the woman, Ella, that you are talking about? A She came to the Cherokee Nation here somewhere. I don't know where.

Q How long ago? A Well, I can't say that time, but she has been here at least ten years in the Nation.

Q You don't really know who John belonged to before the war? A Only to Mr. Towers I think, that is what I understand, who he belonged to.

Q I say you don't know? A No, sir.

Q Where were you when the war closed, Mrs. Roberts? A Paris, Texas.

Q How long did you remain in Paris after the war closed? A One year; he came back here with us.

Q The war closed in the spring of '65 and you didn't return to Missouri until the spring of '66? A That is right.

Q Now during the months prior to your return in '66, the months of the year '66, where was this man John that you are talking about, if you know? A He was hired to Mr. Roberts, in Neosho, the year after.

Q But you didn't come back up to Neosho till about May; where was he in January, February, March and April, if you know of your own knowledge? A He was with us in Texas before we came from Texas, he was with us, he went south with us, stayed there all the time, and we remained there about one year after peace was made and he stayed right with us, hired to us on the farm, and came back with us.

Q And from May on of the year you returned to Neosho, were you at home all the time? A Yes, sir.

Q Were you married or single? A I was married.

Q Where was your husband? A He was there.

Q At that time? A Yes.

Q Well, weren't you away from Neosho after you returned any time in '66 after the war? A For a year at a time?

Q Yes; were you away at all during that year, the year that followed your return? A No, I don't think I was.

Q You don't remember that you were? A No; I think I was there all the time.

Q Well, can you state positively that John was there all that year? A Oh yes, he was right there that year.

Q Well, you are not sure that you were there all the time? A Well I didn't mean that; I mean that he was there except when he would be off, he would drive a team off and come back.

Q He was there except when he was away? A I reckon; I know I wasn't away.

Q You don't know that the John that you are talking about is the man that is applying here in this particular case to this commission for enrollment? A No, I don't know but I suppose it is him.

Q You suppose, but you don't know anything about that? A No, I don't know, if I would see him I would know it is him.

Q If you would see him, you would know the man you are talking about? A Yes.

(Applicant called, but does not appear.)

Mr. Payson: What you saw John last summer, what name was he going by, Armstrong or Towers? A Went by Armstrong, at least we called him that there.

Q He was up to see you there, was he? A Yes, sir.

Q Did he tell you then where he was living at that time when he was there? A He was living down, he said, at some place below Vinita here, about 15 miles.

- 3 -

Mr. Smith: Where did you go, to Texas during the war? A Yes, sir.

Q How did you come back to Neosho, did you travel, how did you travel? A Came in wagons.

Q Came right through the Territory? A Yes, sir.

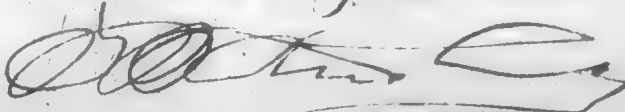
Q And through the Cherokee Nation? A Yes, sir.

Q Came back in May, 1866? A Yes.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 15th of October, 1901.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ellen Roberts, et al., as Cherokee Freedmen, consolidating the appli-
cations of

Ellen Roberts - - - - - Cherokee Freedmen D 57
John Towers - - - - - ~~Cherokee~~ Freedmen D 734.

D E C I S I O N.

The record herein shows that applications for enrollment,
as Cherokee Freedmen, were made to this Commission by Ellen Roberts,
for herself, and by John Towers, for himself.

The evidence shows that the applicants, Ellen Roberts and
John Towers, were both born prior to the commencement of the rebel-
lion and that neither of them was the slave of a Cherokee citizen
nor a free colored person residing in the Cherokee Nation at the
commencement of the rebellion.

The names of said applicants are not found on the 1880
authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the
applications of Ellen Roberts and John Towers, for enrollment as
Cherokee Freedmen, should be denied under the provisions of section
twenty-one of the act of Congress approved June 28, 1898 (30 Stats.,
495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby, Chairman.
" T.B. Needles, Commissioner.
" C.R. Breckinridge, Commissioner
" W.E. Stanley, Commissioner.

Muskogee, Indian Territory,
this Mar 5 1904.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T. T., May 31, 1902.

In the matter of the application of PERCY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

John Towers, D 734;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. John H. ...

... .., I. O.

CHAS. ...-734.

... ..

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

DEPT. OF THE
COMMISSION TO THE
RES.
SEP 10 1907

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August, 1901

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of John Brown for en-
rollment as Cherokee Freedmen.

Cherokee Freedmen #

10134

Meditch Smith

Atty for applicant

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Towers as
a Cherokee Freedman.

Amended MOTION, for rehearing.

On June 25th, 1906, a Motion for a rehearing in the matter of
the application for the enrollment of John Towers as a Cherokee Freed-
men was filed with the Honorable Commissioner to the Five Civilized
Tribes.

Comes now the applicant and moves that the affidavits hereto
attached to support said Motion be considered in connection with the
Motion for rehearing heretofore filed.

The applicants expect to prove by the witnesses whose affidavits
are hereto attached and by other witnesses, that at the commencement
of the Civil War he was the slave of a Cherokee Citizen and that he
returned to the Cherokee Nation and established his residence therein
prior to February 11, 1867, and after said time he always owned per-
sonal property in the Cherokee Nation; that he owned property in the
Cherokee Nation during all the times he was absent therefrom is fully
shown by the affidavits hereto attached.

He contends that he established his residence in the Cherokee
Nation prior to February 11, 1867 and that thereafter he always owned
personal property in the Cherokee Nation; that in 1869 he became the
owner of an improvement on the public domain of the Cherokee Nation,
which improvement consisted of a cabin, a small orchard, and twelve
acres of land in cultivation and under fence; that he continued to
keep this improvement and to occupy it by a tenant until he married
at which time he moved on to the place himself and continued to live
upon it until the present date and is now living on the same place;
that he has never exercised the rights of citizenship in the State of
Missouri or any where else outside of the Cherokee Nation; that he
has never had a home any where else; that his home has always been in

the Cherokee nation.

WHEREFORE, he prays that he be granted a rehearing in order that he be given an opportunity to introduce the testimony to prove the matter stated in the affidavits hereto attached.

Respectfully,

Slars & Patten

ATTORNEYS FOR APPLICANT.

A F F I D A V I T.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY (SS.
NORTHERN DISTRICT)

On this 25th day of June, A. D., 1906, personally appeared before me, the undersigned, a Notary Public duly commissioned and acting within and for the Northern District of the Indian Territory, JOHN TOWERS, of lawful age, who being first duly sworn, on his oath says:

"My name is John Towers. My age is 55 years and my Post Office is Chaffee, Indian Territory. At the commencement of the Civil War I was the slave of Ellis Towers, who at that time was a citizen of the Cherokee Nation, and during said war of the Rebellion I went to Texas with General Stan Watie, and after the close of the war of the rebellion I came back to Fort Gibson and staid around there for about two days hunting my Mother: I heard that she was living upon Lynche's prairie on Grand River. I came on up to Lynche's prairie and found my Mother. Her name was Nellie Lynch. She was then living on Lynch's prairie making her Home with Crap Lynch and his family at the place where Crap Lynch was then living. I remained there during the fall and winter of 1866 and until the spring of 1867. During the winter of 1866 I bought me a horse, saddle and bridle and in the spring of 1867, times being very hard and our people being on the verge of starvation I concluded to get out and hunt some work to help support the family while my step-father made a crop. I left my horse, saddle and bridle and other personal property with my step-father, having made that place my Home, and went up to a place called Dry Wood near Baxter Springs, Kansas to hunt work. I worked around there about a month and then I went up to Fort Scott, Kansas where I had heard I could get better wages. I worked around Fort Scott for two or three weeks and then I went from there to Neosho, Missouri where I worked for five or six months, and during this time, at intervals when I was out of work, I would visit my Mother where I had left my horse, saddle and bridle and other personal property. While I worked at Neosho for about five or six months I had some money ahead which I let my Mother have for the

support of the family. I also bought a mule while at Neosho and brought the mule home with me in the fall of 1867. This mule and the poney I had made me a team. I stayed at my home with my mother for the next eleven or eight months and in the spring of 1868 I helped my step-father break his corn ground and start his crop. I worked my mule with one of my step-father's horses and helped him to break up his ground and plant his crop in the spring of 1868. After we got the crop planted I went out to hunt work to help support the family while my father made the crop. When I went away to hunt work I left my mule and pony and other personal property with my step-father, that being my home at the time, and I worked out at times along from this time on for the next five or six months as I was able to find work to do.

During all of the times that I have been absent from the Cherokee Nation I kept valuable personal property at my home in the Cherokee Nation.

In the fall of 1868 I came back to my home and stayed the following fall and winter and went off to work in the spring.

In 1869 I traded my mule for an improvement upon the public domain of the Cherokee Nation. This improvement consisted of a log cabin, a small orchard with of about one dozen apple trees and some peach trees and about twelve acres of land in cultivation and under fence. I put a renter on this place and kept a renter on it until I afterwards married and removed on the place myself and I continued to live on that place all the time thereafter and am living on it at this very time. I was married in Neosho, Missouri, and in about two months after my marriage I brought my wife to my home in the Cherokee Nation and we have never lived outside of the Cherokee Nation since.

During all of the times I have been out in the States to work I have considered the Cherokee Nation my home. I have never voted at any Presidential, State, county or City election in the State of ~~Miss~~ Missouri or any where else and I have always voted at the elections in the Cherokee Nation and never at any time exercised any of the rights of citizenship in the State of Missouri or any where else except in the Cherokee Nation, Indian Territory.

Affiant states that he is the principal applicant in this case and that he was unable at the former hearing of this case to produce the testimony which he now offers to produce because of the fact that he did not know that such testimony was material to his case. I was advised by my Attorneys at the time that the testimony of two witnesses would be all that would be required and I secured the testimony of two witnesses thinking that the testimony of the witnesses would be sufficient, and relying upon this advice, I used such diligence in securing my ~~testimony~~ testimony as I thought was necessary at the time, being so advised by my Attorneys, and I did not know at the time of the former trial that the witnesses, whose affidavits are hereto attached knew what they testify about concerning my case.

This Motion for a rehearing is made in good faith and not for the purposes of delay.

Witnesses to mark
W. F. ROSS
JESSE W. PATTER

JOHN ^{his} FOWERS
mark

Subscribed and sworn to before me this 25th day of June, 1906

W. F. ROSS

NOTARY PUBLIC.

My commission expires Oct. 17, 1909. X

AFFIDAVIT.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY (SS.
NORTHERN DISTRICT:)

On this day personally appeared before me, the undersigned, a Notary Public, duly commissioned and acting within and for the Northern District of the Indian Territory, SIMON LYNCH, of lawful age, being first duly sworn, on his oath, deposes and says:-

"My name is SIMON LYNCH. My age is 76 years and my Post Office is SPAVINAW, Indian Territory. I am acquainted with the applicant, John Towers, and have known him for some time before the Civil War. At the commencement of the War of the Rebellion he was the slave of Ellis Towers, who was at that time a citizen of the Cherokee Nation. In the fall of 1866 I saw him at the Home of his Mother, Nellie Lynch, on Lynch's prairie in the Cherokee Nation, Indian Territory. He stayed there during the fall and winter of 1866 and until the spring of 1867 when he went out to hunt work. When he left to hunt work he left his horse, saddle and bridle and other personal property with his Mother. He would go out to the State and work for a short time and when out of work he would return to his Home with his Mother. He would help his Mother and his step-father start their crops in the spring and then he would go off to work in order to get money to help support his Mother and her family. In the fall of 1867 he brought Home a mule which he left with his Mother and the mule and the pony made him a team. In 1869 he traded his mule for an improvement upon the public domain of the Cherokee Nation consisting of a log cabin, a small orchard, and about twelve acres of land in cultivation and under fence. He continued to improve this little farm and afterwards made his Home on it and is now living on the same place.

During all the times he was out of the Cherokee Nation at work in the State he had a renter on this place and as soon as he married he brought his wife Home and they have since lived on this little farm. I know that at all times from the spring of 1867 that John Towers was out of the Cherokee Nation he has owned personal property in the Cherokee Nation and since he bought this farm he has owned a farm in the Cherokee Nation."

Witness to mark:

JESSIE PATTEN.
F. M. BRISCOE.

his
SIMON x LYNCH
mark

Subscribed and sworn to before me this 26th day of June, A.D., 1906.

F. M. BRISCOE

NOTARY PUBLIC.

(SEAL)

My commission expires June 24, 1908.

United States of America,

Indian Territory

Northern District SS

On this 14th day of July 1906 personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory Millie Fry of lawful age who being by me duly sworn according to law on her oath deposes and says:

"My name is Millie Fry my age is seventy years and my post office is Ketchum Indian Territory. I am duly and lawfully enrolled in the Cherokee Nation and have received my allotment of land in said nation. I am acquainted with the applicant John Towers. I got acquainted with him after the close of the Civil war he came to my house where I was living in the Doctor Thompson Brick House on Grand river in the winter of 1866. We had a dance there and he came to the dance. I saw him in the country in 1867 also. He came to my house in 1867 one time with Art Williams. I heard of him in the country occasionally after that and saw him along frequently. He bought a place from Mrs Adair and moved onto it and has lived there ever since. In 1866 he made his home with his mother.

Witnesses to mark:

B. A. McFarland.
F. M. Briscoe.

MILLIE ^{her} FRY.

Subscribed and sworn to before me this 14th day of July 1906.

F. M. BRISCOE

Notary Public.

(SEAL)

United States of America

Indian Territory

Northern District SS

On this day personally appeared before me the undersigned Notary Public duly commissioned and acting as such within and for the Northern District of the Indian Territory Andy Fry who being duly sworn on his oath deposes and says:

"My Name is Andy Fry my age is seventy-four years and my post office is Ketchum. I am acquainted with the applicant John Towers. I knew him before the Civil War. He returned to the Cherokee Nation in 1866. He came to a dance at my house when I was living in the Doctor Thompson Brick house on Grand river. This was in the winter of 1866 when he came to my house to the dance. I saw him also in 1867. He made his home with his mother. I would see him occasionally passing around in the neighborhood after that until he bought a place from Mrs Adair he then married and moved onto the place and has lived there all the time until the present day.

Witnesses to mark:
B. A. McFarland
F. M. Briscoe.

ANDY ^{his} x FRY.
mark

Subscribed and sworn to before me this 14th day of July 1906.

F. M. BRISCOE.

Notary Public.

(SEAL).

A E R I D A V I E

UNITED STATES OF AMERICA,)
 INDIAN TERRITORY (ss.
 NORTHERN DISTRICT)

On this day personally appeared before me, the undersigned, a Notary Public, duly commissioned and acting within and for the Northern District of the Indian Territory, Arthur Bean, of lawful age, being first duly sworn, on his oath, deposes and says:-

"My name is Arthur Bean. My age is 63 years and my Post Office is Chaffee, Indian Territory. I am acquainted with the applicant, John Towers, and have known him for some time before the Civil War. At the commencement of the War of the Rebellion he was the slave of Ellis Towers, who was at that time a citizen of the Cherokee Nation. In the fall of 1866 I saw him at the Home of his Mother, Nellie Lynch, on Lynch's prairie in the Cherokee Nation, Indian Territory. He stayed there during the fall and winter of 1866 and until the spring of 1867 when he went out to hunt work. When he went to hunt work he left his horse, saddle and bridle and other personal property with his Mother. He would go out to the State and work for a ~~short~~ short time and when out of work he would return to his Home with his Mother. He would help his Mother and his step-father start their crops in the spring and then he would go off to work in order to get money to help support his Mother and her family. In the fall of 1867 he brought Home a mule which he left with his Mother and the mule and the pony made him a team. In 1869 he traded his mule for an improvement upon the public domain of the Cherokee Nation consisting of a log cabin, a small orchard, and about twelve acres of land in cultivation and under fence. He continued to improve this little farm and afterwards made his Home on it and is now living on the same place.

During all the times he was out of the Cherokee Nation at work in the State he had a renter on this place and as soon as he married he brought his wife Home and they have since lived on this little farm. I know that at all times from the spring of 1867 that John Towers was out of the Cherokee Nation he has owned personal property in the Cherokee Nation and since he bought this farm he has owned a farm in the Cherokee Nation.

Witness to mark
 W. E. Ross.
 Jessie Patten.

his
 ARTHUR ~~ma~~ BEAN

Subscribed and sworn to before me this 25th day of June, A.D., 1906.

W. E. ROSS

NOTARY PUBLIC.

My commission expires Oct. 17- 1909.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of John Towers as a Cherokee freedman.

Reply of the Cherokee Nation.

Come now the Cherokee Nation and respectfully moves the Commissioner to the five civilized tribes to dismiss the original motion filed in this case on June 26, 1906, for the reason that there is no showing made in the motion, and there are no affidavits attached and in support of this motion we desire to call the attention of the department to the decision in the Gelle Vinkpatrick case (U.S.D. 7744, 7514-1904) January 19, 1905, wherein the Department held:

"The Department does not feel warranted in remanding this case upon the motion of said attorneys unsupported by the affidavits of the witnesses whose testimony they desire to introduce."

Second, we move to dismiss the amended motion attempted to be filed herein on July 15, 1906, for the reason that it is not filed within sixty days after the approval of the act of Congress approved April 25, 1906 (Public 120), Section 1, of which it is urged that all motions for rehearing and review of any previous decision to be filed within sixty days from that date.

Certainly if so be that a motion was filed on the 25th day of June, 1906, then none could be filed thereafter. The showing made on June 26, 1906, was no showing whatever, and nothing could be added to it. If it could be amended so that the motion of that kind could have been filed in every freedman case in order to save the waiving of time and then thereafter affidavits could have been hunted up. Certainly this was not the intention of Congress. The sixty days was given as public notice to all applicants that if they desired to file any motions effecting any previous decision that it must be done in good faith within sixty days thereafter. The applicant permitted the sixty days to elapse and they filed a paper in the nature of a request for thirty days extension which

the law did not permit. The Department could not have extended the time if it desired, neither could the Commissioner to the Five Civilized Tribes

Without waiving, however, the petition herein made to disjoin the original and the amended petitions, we desire to call the attention of the Commissioner to the Five Civilized Tribes to the fact that the records show that the original application was made in this case on the 14th day of June, 1901, and testimony was introduced by the applicant upon that date, and he claimed that he was the slave of Ellis Towers; the applicant was represented by Hollister S. Smith, his attorney, who examined him and examined his other witnesses, and he desired to call the attention of the Department to the fact that the names of the witnesses introduced on behalf of John Towers, namely, Fred W. Hill and Frederick Trench, testified that John Towers belonged to Ellis Towers before the war. After giving the applicant due notice that testimony could be introduced to the Cherokee Nation introduced a Willie C. Roberts of Winston on October 14, 1901, when the applicant was represented by Hollister S. Smith, who testified that her father, Rev. G. Armstrong, purchased both John Towers and his mother, Ellen, prior to the war, and that they lived with him at Macon, Missouri, when the war broke out, and that he took them to the Texas, and that they brought them back and that he sold them to the applicant after the war without any further delay. Now, one of the witnesses, Fred Hill, one of the witnesses for John Towers, who testified that he knew him as John Armstrong, and the other corroborative evidence is that John Armstrong of Macon, Missouri, was killed about 1864, the war broke about 1864, Missouri. Of course this is familiar country to him; he had lived there previous to the war; his mother lived there and was friendly to him, and her father says that they hired him after the war. The next witness introduced on behalf of the Cherokee Nation was Annie C. Alberty. She was born in 1864 and is therefore six or seven years of age when the war broke out. She is the daughter of Ellis Towers and she knows from family history and from what she remembers that John and his mother were sold out before the war.

Now, we submit that no stronger or more convincing proof could have been found. After giving the applicant notice that this testimony would

be introduced and after he was represented by attorneys and the testimony was introduced, and for almost five years he has remained silent and has not offered to return it. The affidavits of the witnesses attached go to place him in the Cherokee Nation after the war and do not testify of any knowledge of him before the war, except Arthur Bean claims to have known him before the war, when he was a slave of Willie Towers, and he signs by an ~~ex parte~~ ^{ex parte} affidavit and he could have told that and told the truth, because he did belong to Willie Towers, but not at the commencement of the war. We think that it will not be seriously considered that if all of these colored people who make these ex parte affidavits and sign them were to come up to the stand and testify that John Towers belonged to Willie Towers when it was a fact that he would be taken as against Arthur Adams, a State witness, and Carilla S. Roberts, the second young mistress. While the testimony of Carilla S. Roberts was not sufficiently developed as to his whereabouts after the war, that is as to how long he remained in there after the war, yet from what she says in the case of his return, we are confident that he did not return within the time, but the committee in its decision on March 5, 1907, rejected them upon the ground of their not being sworn by Cherokee citizens at the commencement of the war of the rebellion in the following language:

"The committee find that the applicants Ellen Roberts and John Towers were both born prior to the commencement of the Rebellion and that neither of them was at any time a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the Rebellion."

Again, it will be noted that Ellen Roberts, the mother of John Towers, takes the name of her young mistress, Carilla S. Roberts.

For the reasons hereinabove assigned, we respectfully submit that the motions filed herein: First, should be dismissed, and second, if not dismissed for the reasons as hereinabove set forth, we submit that both should be denied.

Respectfully submitted,

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of John Towers
as a Cherokee Freedman.

P D 734. 718293

Motion for Rehearing.

Comes now the applicant John Towers and moves the Honorable Secretary of the Interior to grant him a rehearing in this case in order to give him an opportunity to prove that at the commencement of the civil war he was the slave of a Cherokee Citizen and that he returned to the Cherokee Nation and established his residence therein prior to February 11th 1867.

In view of the fact that the Curtis Bill allows only sixty days for filing motions in cases of this kind and that time expires with this day we ask leave to file within thirty days from this date affidavits in support of this motion. Not having time now to send a Notary out to take the affidavits and get them filed with the Honorable Commissioner by the expiration of this day.

Starr & Patten

Attorneys for Applicant.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of John Towers
as a Cherokee Freedman. F D 734.

Motion for Rehearing.

Comes now the applicant John Towers and moves the Honorable Secretary of the Interior to grant him a rehearing in this case in order to give him an opportunity to prove that at the commencement of the civil war he was the slave of a Cherokee Citizen and that he returned to the Cherokee Nation and established his residence therein prior to February 11th 1867.

In view of the fact that the Curtis Bill allows only sixty days for filing motions in cases of this kind and that time expires with this day we ask leave to file within thirty days from this date affidavits in support of this motion. Not having time now to send a Notary out to take the affidavits and get them filed with the Honorable Commissioner by the expiration of this day.

Starr & Patton

Attorneys for Applicant.

81
F. D. 734

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190....

Given under my hand this
day of A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of **SEP 23 1901**, 190...
M. L. Smith
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190....

Subscribed and sworn to before me
this

.....
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of John Towers
for enrollment as Cherokee Freedmen:
Case No. F. D. 134 734
To John Towers or Mellette A. Smith his Attys.

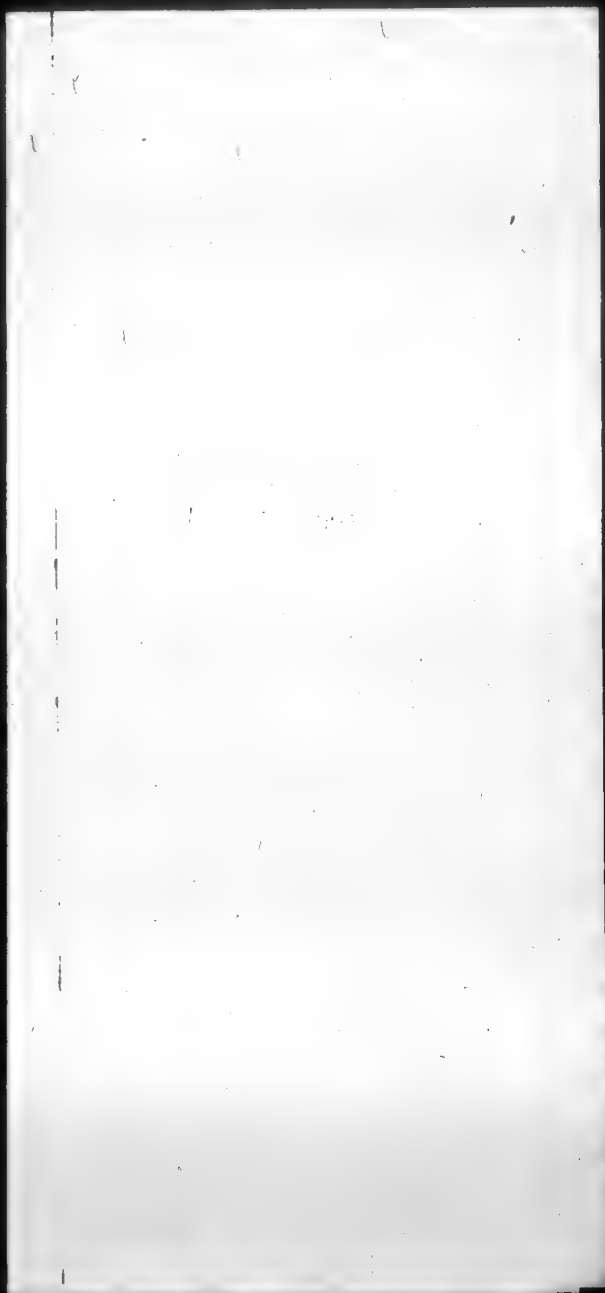
You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 14th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

June 13, 1961

Post Office

Marion S. S.

District

Galine

1. Name

F. T. T. T.

Age

8-7

Owner's name

Citizenship

Year

Wallace Page 141

No.

2959

District

Galine

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

H. T. T. T.

Age

8-7

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3.

Year

Page

No.

Dist.

4.

Year

Page

No.

Dist.

5.

Year

Page

No.

Dist.

6.

Year

Page

No.

Dist.

7.

Year

Page

No.

Dist.

8.

Year

Page

No. 1

Dist.

9.

Year

Page

No.

Dist.

10.

Year

Page

No.

Dist.

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

W. S. 1

Stenographer

B. C. Jones

Represented by Mellette and Smith, Agents S. S.

Cherokee F.D-734

COPY.

Muskogee, Indian Territory, March 16, 1904.

John Towers,

Spavinaw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Drenth

Commissioner in Charge.

Register.

Enc. C-13

COPY.

Cherokee F.D-734

Muskogee, Indian Territory, March 16, 1904.

Edgar Smith,

Attorney for John Towers,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, the application of John Towers for enrollment as a Cherokee Freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Enc. G-14

Commissioner in Charge.

COPY.

Cherokee F.D-57,
& D-734.

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Ellen Roberts et al., rejecting the applications for the enrollment of Ellen Roberts and John Towers as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Dickinson

Enc. G-15

Commissioner in Charge.

Copy

Cherokee F.D-87,
D-734

Muskogee, Indian Territory, March 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Ellen Roberts, et al., including the Commission's decision, dated March 5, 1904, rejecting the applications of Ellen Roberts and John Towers for enrollment as Cherokee Freedmen.

Respectfully,

C. B.

Through the

Commissioner in Charge.

Commissioner of Indian Affairs.

Enc. G-16

Refer in reply to
the following:
Land.
19,283-1904.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, April 27, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from the Commission to the Five Civilized Tribes, dated March 16, 1904, transmitting the record relative to the application of Ellen Roberts, et al., for enrollment as Cherokee freedmen. Ellen Roberts applied for the enrollment of herself and John Towers for the enrollment of himself.

March 5, 1904, the Commission found that the applicants were not slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the War, and held that they were not entitled to enrollment as Cherokee freedmen.

From the record in this case it appears that the applicants were owned at the commencement of the War by one Armstrong, who was a resident of the State of Missouri. It appears that prior to the time Armstrong purchased them, they belonged to Ellis Towers, a citizen of the Cherokee Nation.

Not having been slaves of a citizen or citizens of the Cherokee Nation at the commencement of the War, or free colored persons residing in the Nation, they are not entitled to enrollment, and

-2-

the approval of the Commission's decision is recommended.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

(G.A.W.)P.

D C 14383-1904.

COPY

W.C.F.

I.T.D. 3562-1904. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

FHE

May 3, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 16, 1904, you transmitted the record of proceedings in the consolidated Cherokee Freedman case of Ellen Roberts, et al. (F.D-57, 4-734), including your decision of March 5, 1904, rejecting the application for the enrollment of Ellen Roberts and John Towers.

Reporting in the matter April 27, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-734.

Muskogee, Indian Territory, May 11, 1904.

John Towers,

Spavinaw, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 3, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-734.

Muskogee, Indian Territory, May 11, 1904.

Edgar Smith,
Attorney for John Towers,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, the application of John Towers for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 3, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-57 & D-734.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, in the consolidated case of Ellen Roberts et al, rejecting the applications for enrollment of Ellen Roberts and John Towers, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 3, 1904.

Respectfully,

Chairman.

Cherokee freedman
R-293

Muskogee, Indian Territory, May 28, 1906.

John Towers,
Spavinaw, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by
your attorneys September 7, 1905, for a review in your
Cherokee freedman enrollment case, was dismissed by the
Department May 2, 1906.

Respectfully,

Commissioner.

WGP

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,
Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MMP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliwa A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
Incl. C-2

Cherokee Freedmen
R 293

Muskogee, Indian Territory, August 30, 1906

Starr and Patten,
Attorneys for John Towers,
Vinita, Indian Territory.

Gentlemen:

This office is in receipt, on June 25, 1906,
of a motion made by you for a rehearing in the Cherokee
freedmen enrollment case of John Towers.

Said motion will receive the proper consider-
ation of this office, and be transmitted to the Depart-
ment for action thereon, at the earliest practicable date,
of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, February 13, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a motion filed June 25, 1906 by Starr & Patten, Attorneys, Vinita, Indian Territory, for a rehearing of the Cherokee freedman case of John Towers. The attorneys state that the applicant requests a rehearing in order to be given an opportunity to show that he was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and returned to the Cherokee Nation and established a residence therein prior to February 11, 1867. The attorneys state that as the "Cartis Bill allows only sixty days for filing motions in cases of this kind and that time expires this day, we ask leave to file within thirty days from this date, affidavits in support of this motion."

July 18, 1906, attorneys for applicant filed an

Secretary-2

"amended motion" for rehearing of said case, supported by the affidavits of John Towers, the applicant, and Simon Lynch, Millie Fry, Andy Fry, and Arthur Bean. July 27, 1906, the attorney for the Cherokee Nation filed his reply to the first motion, and moved to dismiss the same for the reason that no showing is made therein and that no affidavits are filed in support thereof. Said attorney also moved to dismiss "the amended motion attempted to be filed herein on July 18, 1906, for the reason that it is not filed within sixty days after the approval of the Act of Congress approved April 26, 1906."

March 5, 1904, the Commission to the Five Civilized Tribes rendered its decision rejecting, among others, the application of John Towers for enrollment as a Cherokee freedman, holding that he was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the war of the rebellion.

April 27, 1904 (Land 19-283-1904), reporting on

Secretary-3

the case, the Commissioner of Indian Affairs stated:

"From the record in this case it appears that the applicants were owned at the commencement of the War by one Armstrong, who was a resident of the State of Missouri. It appears that prior to the time Armstrong purchased them, they belonged to Ellis Towers, a citizen of the Cherokee Nation."

The Commissioner concurred in the decision of the Commission, and said decision was affirmed by the Department May 3, 1904 (I.T.D. 3562-1904).

The last testimony taken in this case was in 1901, when the Cherokee Nation introduced two witnesses who had reason to know as to the owner of John Towers at the commencement of the war of the rebellion, and who both swore that he was not the slave of a Cherokee citizen at the commencement of the war of the rebellion, but was sold prior to the commencement of the war, to a citizen of the state of Missouri.

All of the parties to the affidavits filed in support of this amended motion were known as standing witnesses

secretary-4

when the Commission to the Five Civilized Tribes was receiving applications and hearing testimony in the matter of applications for enrollment as Cherokee freedmen. They testified in a great many cases, and the applicant could certainly have secured their testimony with any degree of diligence. There is nothing to show that the knowledge they possess of the applicant was not known to the applicant, or that it is newly discovered. All four of the affiants sign by mark, and they allege that John Towers was the slave of Ellis Towers, a Cherokee citizen, at the commencement of the war of the rebellion.

Annie C. Alberty, a daughter of said Ellis Towers, testified in 1901, on behalf of the Cherokee Nation, that her father sold John Towers and his mother out of the Cherokee Nation prior to the commencement of the war.

Carrilla S. Roberts testified on behalf of the Cherokee Nation that her father, Dew C. Armstrong, purchased John Towers and his mother prior to the commencement of the war, and that said slaves lived with them at Neosho, Missouri, when the war came up.

The testimony introduced on behalf of the applicant

Secretary-S

shows that he is known as John Armstrong as well as John Towers.

Even if all the statements contained in the affidavits filed in support of this motion are true, the affidavits of Simon Lynch and Arthur Bean being carbon copies of a form of affidavit, and the affidavits of Millie Fry and Andy Fry being almost identical, the applicant would not be entitled to enrollment as a Cherokee freedman, as the statements contained in his affidavit filed in support of the motion, clearly show that he did not return to and establish an actual, personal, bona fide, residence in the Cherokee Nation, as provided by the Act of Congress approved April 26, 1906 (34 Stat., 137).

It is therefore respectfully recommended that the motion be denied.

Respectfully,

Through the
Commissioner of Indian Affairs.

Encl. B-13

Commissioner

L M B

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land.
30171-1904.
1688-1907.

WASHINGTON.

February 27, 1907.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of May 3, 1904 (I.T.D. 3562-1904), affirming the decision of the Commission, rejecting the application for the enrollment of Ellen Roberts and John Powers as Cherokee freedmen, I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 15, 1907, enclosing a motion filed in his office on June 26, 1906, by Starr & Patten, attorneys at law, of Vinita, I.T., asking for a re-hearing of the case in so far as it concerns John Powers.

The motion and the affidavits in support thereof present no question of law or fact not fully considered in the original decision, and the Office concurs in the recommendation of Commissioner Bixby that it be denied.

The record is enclosed herewith.

Very respectfully,

C. F. Iarrabee,

Acting Commissioner.

IWE--SD.

G.R.

DEPARTMENT OF THE INTERIOR, LEB
WASHINGTON.

D.C.12890-1907.
I.T.D.3562-1904.
5932-1907.

March 4, 1907.

IRS.DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

February 13, 1907, you transmitted a motion, filed with your office June 25, 1906, by Starr & Patten, attorneys, for a rehearing in the Cherokee freedman case of John Towers, wherein the Department on May 3, 1904 (I.T.D.3562), affirmed the decision of the Commission to the Five Civilized Tribes of March 5, 1904, adverse to the applicant.

In view of the limited time allowed by the act of April 26, 1906 (34 Stat., 137), for completing the citizenship rolls of the Five Civilized Tribes in Indian Territory, the Department would not be warranted in ordering a rehearing in this case. Said motion for a rehearing is hereby denied.

You will advise applicants and their attorney of this action.

The papers in the case and a carbon copy heretof have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

3 ins. to Ind. Of.

Secretary.

W.C.F. 3/4/07.

Muskogee, Indian Territory, April 1, 1907.

John Towers,

Spavinaw, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys, Starr & Patten, for rehearing in the Cherokee freedman enrollment case of yourself, was denied by the Secretary of the Interior March 4, 1907.

Respectfully,

MMP

Acting Commissioner.

Muskogee, Indian Territory, April 1, 1907.

Starr & Patten,

Attorneys for John Towers,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing in the Cherokee freedman enrollment case of John Towers, was denied by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-4-1
HMP

Acting Commissioner.

Muskogee, Indian Territory, April 1, 1907.

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee freedman enrollment case of John Towers, was denied by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-4-2

129

Acting Commissioner.

Cher. Fr. R-294

See Cher. Fr. D-56, R-293

Cher. Fr. R-294

Department of the Interior.
Commission to the Five Civilized Tribes.
Pt. Gibson, T. T., April 12, 1901.

In the matter of the application of Ellen Roberts for enrollment as a Cherokee Freedman; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Ellen Roberts.
Q How old are you? A I don't know how old I am.
Q About how old? A I think along in forty somewhere.
Q What is your postoffice? A Melvin.
Q What district do you live in? A Tahlequah.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled as a Freedman of any other nation or tribe? A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Did you ever draw any money? A Yes sir.
Q What was it you drew? A The Wallace money.
Q Is your name on the roll of 1880? A I don't know, I reckon it is.
Q Did you draw money that is known as the strip payment money? A That is all I drew.
Q How much money was it you drew? A I don't know, I am forgetful.
Q When was that? A I don't know.

The 1880 authenticated roll of the Freedman of the Cherokee Nation examined and the name of the applicant is not found of record thereon.

- Q Were you a slave? A Yes sir.
Q What was your owner's name? A Ellis Towers.
Q He living? A No sir, I think he's dead.
Q You know where you were at the beginning of the war between the United States and the Confederacy? A Yes sir.
Q Where? A They sent us out in the States; they hired us out.
Q What state? A In Missouri, and then we come back home, and then they sent us to Texas.
Q When did you return from Texas? A The first year after peace.
Q Were you sold to anybody in Texas? A No sir.
Q Where was your master at this time - your owner? A I don't know where he was.
Q Did you ever see him afterwards? A Yes sir.
Q Where? A In Saline District.
Q Have you been living in the Cherokee Nation ever since that time? A Yes sir.
Q Why is your name not on the roll of 1880? A I don't know, sir.

By J. S. Bavenport, representative of the Cherokee Nation-

- Q When did you come back from the South you say? A The first year after peace.
Q You know what year that was? A No sir, I don't.
Q Whom did you come back with? A My brother brought me back here.
Q Was there anybody else along? A He said - He was older than me and he said it was Bell's wagon.
Q Which Bell? A I don't know that.
Q Was it Col. Jim Bell? A I don't know.
Q Didn't you testify before that you came back with Jim Bell? A I don't know whether I did or not; I don't think I did.
Q Didn't you say you came back in '63? A No sir, you never said that to me.
Q When you came back, to what point in the Cherokee Nation did you go? A We stopped at Ben Badhale's up here on the road where Johnson Johnson used to live, I reckon.
Q Did you see Col. Bell afterwards when you got big enough? A I don't know.

S- B. R.

Q You staid in the Creek Nation quite a while? A Yessir, one year, that is all.

Q After you come back from the South, you stopped in the Creek Nation a year? A No sir.

Q You were acquainted with Bass Harlan at that time? A Yes sir.

Q You saw Bass Harlan when you lived over in the Creek Nation a year? A No sir, I live near Bass Harlan now.

Q You came back to the Cherokee Nation in February? A I don't know, I can't say that.

Q You don't know when you get back? A No sir.

Q What year? A I don't know.

Q You know whether it was '87 or '88? A No sir.

Commissioner-

Q You say you come back a year after peace was made? A Yes sir.

Q You got any witnesses here that knows you? A Yes sir.

By W. W. Hastings-

Q Whom did you live with when you first come back here? A My mother.

Q What was her name? A Nellie Lynch.

Q Didn't you testify before that you lived with Mose Hardridge the first year? A No sir.

Q Did you ever live with Mose Hardridge? A I don't know who you are talking about.

Q Did you live with any Hardridge? A No sir.

Commissioner-

Q You always went by the name of Ellen? A Yes sir.

By W. W. Hastings-

Q Who took you south? A I don't know.

Q That man from Missouri? A No sir.

Q You don't know whom you went south with? A No sir.

Darkie Buffington, being sworn and examined by Commissioner

T. B. Needles, testified as follows:

Q What is your name? A Darkie Buffington.

Q How old are you? A I am about 76 years old.

Q What is your postoffice? A Melvin.

Q Are you a Cherokee Freedman? A Yes sir, never was nowhere else.

Q You know Ellen Roberts? A I knowed her when she was a little girl; when I knowed her she belonged to Ellis Towers; I have been to the house to see them, and her mother was named Nellie; that was a servant of Ellis Towers, too.

Q When did you see her after the war between the United States and the Confederacy? A It was a good while afterwards.

Q Several years? A No, it wasn't many years; it wasn't two or three days, of course, but I couldn't tell you how long it was. We didn't know this judgment day was coming.

Q You don't know how long after the war it was, whether it was one year or two? A No sir, I couldn't say that. If I had of knowed this was coming I could have kept count.

Q You know her as a slave of Towers? A I knowed she was a slave of Towers.

Q Was she born in the Cherokee Nation? A Born in the Cherokee Nation, and her mother was a servant of the Cherokee Nation.

Q Her name does not appear on the roll of 1880, do you know the reason why? A No sir, I don't know; I couldn't tell you.

Ann Perry, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Ann Perry.

Q How old are you? A 45.

Q What is your postoffice? A Melvin.

3- E. R.

- Q Are you a recognized Freedman? A Yes sir.
Q Do you know Ellen Roberts? A Yes sir, I am acquainted with her.
Q How long have you known her? A I have been knowing her about 19 or 20 years.
Q You didn't know her at the close of the war? A No sir.
Q You only knew her 19 or 20 years ago? A Yes sir.
Q She's been living here ever since then? A Yes sir.

Mr. W. W. Hastings-

- Q Where did she come here when you first met her? A She was living near Melvin when I first come here.

Commissioner to applicant-

- Q Your owner Ellis Towers is dead? A Yes sir.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is not found of record thereon.

The Kerns-Clifton Roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

The name of Ellen Roberts is not found upon the authenticated roll of 1880, nor any of the rolls in the possession of this Commission at this time; she avers she is a slave and entitled to be enrolled as a Cherokee Freedman, but satisfactory proof is not made as to her citizenship; satisfactory proof is made as to her residence, consequently final judgment as to her case will be suspended and she will be placed upon a doubtful card.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of April, 1901.


Commissioner.

SUPPLEMENTAL; In D 57 and D 56, Cherokee Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, T.T., May 14, 1901.

In the matter of the application of Ellen Roberts and of Hel-
lie Parris, for enrollment as Cherokee Freedmen; (D 56-7)
Ellen Roberts, being sworn and examined by Commissioner Needles tes-
tified as follows:

- Q What is your name? A Ellen Mahanix Towers.
Q How old are you? A I don't know my age.
Q Well, about how old? A About 40 somewhere.
Q What is your post-office? A Melvin.
Q What district do you live in? A Tahlequah District.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you always been recognized as a Cherokee Freedman? A Yes sir
I reckon I have.
Q Is your name upon the authenticated roll of 1880? A I don't know.
Q You never applied to be enrolled by any other nation or tribe?
A No sir.
Q Who do you want to enroll besides yourself? A Just myself; my
daughter is grown.
Q Is your name upon any of the rolls of the Cherokee Nation?
A Yes sir.
Q Did you draw any money? A Yes sir.
Q Did you draw what is known as the Cherokee Strip money? A No
sir.
Q Did you apply to draw it, did you? A Yes sir.
Q And you were refused? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation
examined and applicant identified nowhere thereon.

Kerne-Clifton pay roll of citizens of the Cherokee Nation ex-
amined and applicant not identified thereon.

- Q Your name is not on any of the rolls? A I don't know.

Examined by Cherokee Representative, W.H. Hastings:

- Q Did you apply to the Kerne-Clifton Commission five years ago for
enrollment? A Towers; Roberts, that is my name now; I have been
here before.

By Commissioner Needles:

- Q What do you want now? A You told me to bring some witnesses.
Q Have you got them? A Yes sir.

AMY BEAN, being sworn and examined by Commissioner Needles,
testified as follows:

- Q What is your name? A Amy Bean.
Q How old are you? A 25.
Q What is your post-office? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Was your name on the authenticated roll of 1880? A Yes sir.
Q You knew Ellen Roberts? A Yes sir.
Q Was she a slave before the war? A I don't really know; I was
always told she was a slave.
Q Was your father ever heard she was a slave? A Yes sir.
Q Did she ever tell you she was a slave? A I heard she belonged
to Severe.
Q Did you ever hear of the enrollment of the Cherokee Nation during
the war? A Yes sir.
Q You know where she was in 1861? A Yes sir.
Q When did you first know her? A I don't know exactly how long ago.
Q Was she ever a slave? A Yes sir.

Ellen Roberts and Nellie Parris, supplemental 2

Q Has it been a long time since the war that you first knew her?

A No sir, not so very long since the war.

Q But you did not know her in '66? A No sir.

WILLIAM LYNCH, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A William Lynch.

Q You are about 86 years old are you? A I think I am.

Q You are a recognized Cherokee Freedman? A Yes sir.

Q You know Ellen Roberts? A Yes sir.

Q That is the applicant here? A Yes sir.

Q How long have you known her? A I have known her when she was small.

Q Was she a slave before the war? A Yes sir.

Q Who did she belong to? A Mr. Towers.

Q He was a Cherokee by blood? A Yes sir, he was a Cherokee.

Q You know where Ellen went during the war? A I couldn't tell exactly how she went.

Q You don't know where she went? A No sir.

Q Did she go away during the war? A Yes sir.

Q When did she come back? A As far as I could tell she came back she come back there to see her mother, I couldn't tell what time.

Q You don't know where she went to? A No sir.

Q Don't know whether she went to Texas or Kansas? A I couldn't tell you; she may have went to Texas.

Q You don't know when she came back do you? A No sir, I don't know when she came back exactly.

Q What relation is she to you? A She is my old lady's daughter.

Q Your step-daughter? A Yes sir, that's right.

Q Nothing wrong about that? A That's correct.

Q When did you marry the old lady, after the war? A Oh Lord, long time before the war.

Q Where was her mother during the war? A She went to Kansas.

Q When did her mother come back? A Come back in '66.

Q Was Ellen with her? A No sir, she wasn't with her then.

Q Well if you was step-father of Ellen why didn't you take care of her then? A Well, look here, you know we were separated then.

Q Did you leave her in Kansas when you came away? A She wasn't with me; I couldn't leave her there when she wasn't with me.

Q You don't know when she came back? A No sir.

Examined by Cherokee Representative, W. Whiting:

Q Towers sold her to a man named Armstrong before the war, her and her brother, John? A I couldn't say he was sold, or her neither.

Q You know they took them off to Missouri before the war?

A No sir, I couldn't say.

Q How far from Tower's was you living? A I lived better than a mile, - two miles.

Q Didn't you miss her before the war? A I couldn't tell, because she wasn't with me.

Q You say you were a mile from old man Towers? A I was more than a mile, sure, two miles, I will put up two miles.

Q You know whether or not she was at Tower's time the war come up don't you? A I couldn't tell where she was time the war come up, I couldn't, because we was separated, and I was tell all, and I couldn't tell you.

Q You don't know whether she was living with Towers or not at that time? A No sir.

Q You don't know whether she was sold? A No sir, I couldn't tell you.

Q You haven't a very good recollection have you? A No sir, you know when people are getting old they have got no good recollection.

Ellen Roberts and Wallace Parris supplemental, 3.

E. D. Green, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this May 15, 1901.

M. H. McKinstry

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 5th 1901.

SUPPLEMENTAL TESTIMONY in the case of Ellen Roberts, C. F. D. #57.

Appearances:

James S. Davenport, attorney for the Cherokee Nation.

By the Commission:

Proof of service made. The applicant having been called three times, comes not either by attorney or in person.

ANNA C. ALBERTY being first duly sworn by Commissioner T. B. Needles testified as follows on the part of the Cherokee Nation :

(By Davenport)

Q What is your name? A Anna C. Alberty.

Q What is your post office? A Chouteau.

Q How old are you? A 47.

Q How long have you lived in the Cherokee Nation? All my life, born and raised here.

Q What was your father's name? A Ellis Towers

Q Was he living when the war broke out? A Yes sir.

Q Did Ellis Towers own a slave by the name of Ellen ~~xxxxxx~~ when the war broke out? A No sir.

Q Did he own one by the name of John when the war broke out? A No sir

Q Had he owned slaves by these names prior to the breaking out of the war? A Yes sir.

Q Do you know what became of them? A They were ^{sold} to a man up in Missouri.

Q What was that man's name? A I don't know unless it was Armstrong

Q You were small then? A Yes sir.

Q Did you ever see them after the war? A No sir.

Q You don't remember that man's name to whom they were sold, that is positively? A No sir not positively.

Q What is your best recollection what his name was? A I don't know, I can't really recollect anything about the man's name.

(By the Commission)

Q What relation was you to Ellis Towers ? A He was my father.

Q You knew this slave Ellen did you? A Yes sir, I have a slight remembrance of her.

Q What is your age now? A 47

Q At the beginning of the war you were a very small child? A Yes sir

Q About how old—when were you born? A In '54.

Q That would make you 7 or 8 years old then at the beginning of the war? A Yes sir.

Q Ellen was sold before the war? A Yes sir.

Q How do you know? A I heard my father talk about it since the war.

Q Do you know whether she was sold or hired out? A She was sold.

Q You just heard that she was sold? A Yes sir.

Q And you were just 7 or 8 years old when the war commenced? A Yes sir

(By Davenport)

Q They were taken away from here? A Yes sir.

(By the Commission)

Q Do you know when it was? A To the best of my recollection it was in '59 or '60.

Q You was born when? A '54.

Q You would be six years old then when they were sold? A Yes sir.

=====

This will be filed in Cherokee Freedmen cases, D.56 and D.754.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full

all the proceedings in the above case and that the foregoing is a
full, true and correct summary of his stenographic notes therein

Chas. W. ...

Subscribed and sworn to before me this 5th of October, 1911



Notary Public

File with Cherokee Freedmen, D-57, Ellen Roberts.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1901.

In the matter of the application of John Towers for enrollment
as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mallett & Smith, attorneys for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

CARILLA S. ROBERTS, being duly sworn by Commissioner Needles,
testified as follows:

Mr. Davenport: What is your name, your first name? A Carilla S.
Roberts.

Q Where do you live, Mrs. Roberts? A Neosho, Missouri.

Q What is your age? A 55.

Q Where were you living when the war broke out, Mrs. Roberts?

A Neosho.

Q What was your maiden name before you married? A Carilla Arm-
strong.

Q Did your father own any slaves at the breaking out of the war?

A Yes, sir, he had some that I thought he owned.

Q What was your father's name? A Hugh C. Armstrong.

Q What were the names of the slaves he had there with him, Mrs.
Roberts, at the breaking out of the war, if you know? A John and
Ellen.

Q How long had he had them there with him at the breaking out of
the war; about how long, as near as you can remember? A I think
that he bought John in '59, if he bought him, I don't know when he
bought him, but he was home there in '59.

Q Well, did he have Ellen at the same time he had John there, or
do you remember as to that? A I don't remember whether we had her
after we had John or not, I don't remember, but I know we had her
there at the breaking out of the war.

Q You know what became of them after the war broke out, whether
they stayed there? A Well they came from the south with us, stayed
with us several years, and then they came to the Cherokee Nation.

Q Did they go south with your people from Missouri? A Yes, went
south with us.

Q And you brought them back with you, your family, from the south?

A Yes, sir, they stayed with us.

Q And you came back to Neosho, Missouri, after the war? A Yes,
sir, the second year, in May.

Q And they stayed there a while with you? A Yes, sir, and we hired
them.

Q Do you know about what year it was you came back from the south?

A Yes, we came back in May just a year after peace was made.

Q That was in May, 1866, then you came back? A Yes, sir.

Mr. Smith: Well, Mrs. Roberts, what did you say your father's name
was? A Hugh C. Armstrong.

Q And he lived in Missouri before the war? A Yes, sir, lived in
Neosho.

Q And he had a son named John, a slave? A Yes, sir, I suppose
he was a slave, he had him there, I can't say that he was a slave,
I can't say that he was not.

Q You don't know about that? A No, sir, I don't know.

Q Well, now, was John there with your father? A Well he was
there I am pretty certain in '59, to the best of my knowledge.

Q You are not sure about that date? A No, sir.
Q Or year? A Near that time, '66 or '9.
Q How long has it been since you saw this man that he had there with him? A I saw him sometime along in the summer.
Q Where did you see him? A He was at Neosho.
Q What became of the woman, Ella, that you are talking about? A She came to the Cherokee Nation here somewhere, I don't know where.
Q How long ago? A Well I can't say what time, but she has been here at least ten years in the Nation.
Q You don't really know who John belonged to before the war? A Only to Mr. Towers I think, that is what I understand, who he belonged to.
Q I say you don't know? A No, sir.
Q Where were you when the war closed, Mrs. Roberts? A Paris, Texas.
Q How long did you remain in Paris after the war closed? A One year; he came back here with us.
Q The war closed in the spring of '65 and you didn't return to Missouri until the spring of '66? A That is right.
Q Now during the months prior to your return in '66, the months of the year '66, where was this man John that you are talking about, if you know? A He was hired to Mr. Roberts, in Neosho, the year after.
Q But you didn't come back up to Neosho till about May; where was he in January, February, March and April, if you know of your own knowledge? A He was with us in Texas before we came from Texas, he was with us, he went south with us, stayed there all the time, and we remained there about one year after peace was made and he stayed right with us, hired to us on the farm, and came back with us.
Q And from May on or the year you returned to Neosho, were you at home all the time? A Yes, sir.
Q Were you married or single? A I was married.
Q Where was your husband? A He was there.
Q At that time? A Yes.
Q Well, weren't you away from Neosho after you returned any time in '66 after the war? A For a year at a time?
Q Yes; were you away at all during that year, the year that followed your return? A No, I don't think I was.
Q You don't remember that you were? A No; I think I was there all the time.
Q Well, can you state positively that John was there all that year? A Oh yes, he was right there that year.
Q Well, you are not sure that you were there all the time? A Well I didn't mean that; I mean that he was there except when he would be off, he would drive a team off and come back.
Q He was there except when he was away? A I reckon; I know I wasn't away.
Q You don't know that the John that you are talking about is the man that is applying here in this particular case to this Commission for enrollment? A No, I don't know but I suppose it is him.
Q You suppose, but you don't know anything about that? A No, I don't know, if I would see him I would know it is him.
Q If you would see him, you would know the man you are talking about? A Yes.
(Applicant called, but does not appear.)
Mr. Davenport: When you saw John last summer, what name was he going by, Armstrong or Towers? A Went by Armstrong, at least we called him that there.
Q He was up to see you there, was he? A Yes, sir.
Q Did he tell you then where he was living at that time when he was there? A He was living down, he said, at some place below Vinita here, about 15 miles.

- 3 -

Mr. Smith: Where did you go, to Texas during the war? A Yes, sir.

Q How did you come back to Neosho, did you travel, how did you travel? A Came in wagons.

Q Came right through the Territory? A Yes, sir.

Q And through the Cherokee Nation? A Yes, sir.

Q Came back in May, 1866? A Yes.

Bruce D. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce D. Jones

Sworn to and subscribed before me this the 15th of October, 1901.



Commissioner.

Cherokee Freedmen D #57

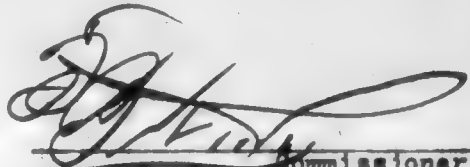
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JULY 28, 1903.

In the matter of the application of Ellen Roberts for
enrollment as a Cherokee Freedman:

SUPPLEMENTAL STATEMENT.

From an examination of the 1893 census roll of the Cherokee
Nation, it appears that the applicant, Ellen Roberts, is identified
thereon at #121, Tahlequah District, as Ellen Roberts, adopted
colored.

It is ordered that this statement be filed with and made a
part of the record herein.


Commissioner.

JAC

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ellen Roberts et al., as Cherokee Freedmen, consolidating the
applications of

Ellen Roberts-----Cherokee Freedmen D 57
John Towers-----Cherokee Freedmen D 734

D E C I S I O N

The record herein shows that applications for enrollment,
as Cherokee Freedmen, were made to this Commission by Ellen Roberts,
for herself, and by John Towers, for himself.

The evidence shows that the applicants, Ellen Roberts and
John Towers, were both born prior to the commencement of the rebellion
and that neither of them was the slave of a Cherokee citizen nor a
free colored person residing in the Cherokee Nation at the commence-
ment of the rebellion.

The names of said applicants are not found on the 1880
authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the
applications of Ellen Roberts and John Towers, for enrollment as
Cherokee Freedmen, should be denied under the provisions of Section
Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats.,
495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this MAR 5 1901

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Ellen Roberts,

Melvin, I. C.

Cherokee F-D-57

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of A. D. 1901

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of A. D. 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 6 1901

[Signature]
S. C. HARRIS

NOTICE!

IN THE MATTER OF The application of Ellen Roberts
for enrollment as a Cherokee Freedman:

Case No. F. D. 57

To Ellen Roberts

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, on the following dates, to-wit: Oct 8th 1901 at 9 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 5th day of Sept, 1901.

L. B. Bell

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
J. L. B. D.
SEP 5 1901

[Signature]
ACTING CHAIRMAN

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INDIAN TERRITORY.
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of A. D. 1901.

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, |
INDIAN TERRITORY, | S. S.
NORTHERN DISTRICT. |

I do solemnly swear that I delivered a
true copy of the within notice to *Ellen*
Roberts
on the *4* day of *Sept* A. D. 1901

Subscribed and sworn to before me
this *4* day of *Sept* A. D. 1901.

J. M. Clark
Notary Public

REPAID
COMM. 3300

SEP 5 1901

COMM. 3300
LIZED 11865

NOTICE!

IN THE MATTER OF The application of Ellen Roberts
for enrollment as a Cherokee Freedman:

Case No. F. D. 57

To Ellen Roberts,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on the following dates, to-wit: October 5th A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 5th day of Sept., 1901.

H. R. Bull

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 29 1901



ACTING CHAIRMAN.

CHEROKEE FREEDMEN.

Date APR 12 1901Post Office McLainDistrict Tall

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

(1) Name of wife Ellen Roberts Age 40Owners name Ellis Towers Citizenship Cherokee

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother Hellie _____ Citizenship _____

Names of Children:

3. _____ Year _____ Page _____ No. _____ Dist. _____

4. _____ Year _____ Page _____ No. _____ Dist. _____

5. _____ Year _____ Page _____ No. _____ Dist. _____

6. _____ Year _____ Page _____ No. _____ Dist. _____

7. _____ Year _____ Page _____ No. _____ Dist. _____

8. _____ Year _____ Page _____ No. _____ Dist. _____

9. _____ Year _____ Page _____ No. _____ Dist. _____

10. _____ Year _____ Page _____ No. _____ Dist. _____

11. _____ Year _____ Page _____ No. _____ Dist. _____

12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by Rev W. Stenographer Rothmeyer & S.

COPY.

Cherokee F.D-87

Muskogee, Indian Territory, March 16, 1904.

Ellen Roberts,

Melvin, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee Freedman, together with a copy of the Commission's decision, dated March 8, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. B. In...
Commissioner in Charge.

Register.

Enc. G-12

COPY:

Cherokee F.D-57,
& D-734.

Muskogee, Indian Territory, March 15, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Ellen Roberts et al., rejecting the applications for the enrollment of Ellen Roberts and John Towers as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. B. Dicklaridge

Enc. C-15

Commissioner in Charge.

COPY:

Cherokee F.D-57,
D-734

Muskogee, Indian Territory, March 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Ellen Roberts, et al., including the Commission's decision, dated March 5, 1904, rejecting the applications of Ellen Roberts and John Towers for enrollment as Cherokee Freedmen.

Respectfully,

U. S. Commissioner
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. G-16

Refer in reply to
the following:
Land.
19,283-1904.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, April 27, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from the Commission to the Five Civilized Tribes, dated March 16, 1904, transmitting the record relative to the application of Ellen Roberts, et al., for enrollment as Cherokee freedmen. Ellen Roberts applied for the enrollment of herself and John Towers for the enrollment of himself.

March 5, 1904, the Commission found that the applicants were not slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the War, and held that they were not entitled to enrollment as Cherokee freedmen.

From the record in this case it appears that the applicants were owned at the commencement of the War by one Armstrong, who was a resident of the State of Missouri. It appears that prior to the time Armstrong purchased them, they belonged to Ellis Towers, a citizen of the Cherokee Nation.

Not having been slaves of a citizen or citizens of the Cherokee Nation at the commencement of the War, or free colored persons residing in the Nation, they are not entitled to enrollment, and

-2-

the approval of the Commission's decision is recommended.

Very respectfully,

(Signed) W. A. Jones,

(G.A.W.)P.

Commissioner.

D C 14383-1904.

COPY

W.C.F.

I.T.D. 3562-1904.

DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

THE

May 3, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 16, 1904, you transmitted the record of proceedings in the consolidated Cherokee Freedman case of Ellen Roberts, et al. (F.D-57, d-734), including your decision of March 5, 1904, rejecting the application for the enrollment of Ellen Roberts and John Towers.

Reporting in the matter April 27, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

(Signed) Thos Ryan,

1 inclosure.

Acting Secretary.

Cherokee Freedmen
D-57.

Muskogee, Indian Territory, May 11, 1904.

Ellen Roberts,

Melvin, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 3, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-57 & D-734.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, in the consolidated case of Ellen Roberts et al, rejecting the applications for enrollment of Ellen Roberts and John Towers, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 3, 1904.

Respectfully,

Chairman.

Cher. Fr. R- 295

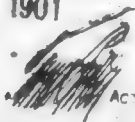
See Cher. Fr. # 844- 1336

Cher. Fr. R- 295

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 19 1901

A handwritten signature, possibly "H. B. ...", is written over the stamp.

ACTING CHAIRMAN

To be filed in case of Mandy Vann, D-506.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 15, 1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Katie Ridge.
Q How old are you? A I guess I am 84; I was 16 when the stars fell.
Q What is your postoffice address? A Spavinsaw.
Q Is that in Delaware district? A No sir in Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A I cant hear good.
Q Is your name on the roll of 1880? A No sir.
Q Did you draw Strip money? A Yes sir.
Q Who do you want to have enrolled besides yourself? A No one sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q You say your name is not on the roll of 1880, do you know why?
A No sir.
Q Was you a slave? A Yes sir.
Q Who owned you? A Herman Ridge.
Q Was he a Cherokee Indian? A Yes sir.
Q Did he live here in the Cherokee Nation? A Yes sir, he lived here a part of the time.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Springfield Missouri.
Q How long did you stay there? A Three years.
Q When did you come back to the Cherokee Nation? A In 1866.
Q Have you been lived in the Cherokee Nation ever since 1866? A Not all the time; when we come back here we staid a little while and then went up to Joplin; when we come home here there was nothing to eat and we was about to starve and we heard that Joplin was a good town and we went up there and then come back here again.
Q Did you go from Springfield to Joplin or did you come here first?
A No sir we come up on Honey Creek and then to Joplin.
Q How long did you stay in Joplin? A Three years.
Q Did you come back here then? A Yes sir.
Q Have you lived here ever since? A Yes sir.
Q Where did Hiram Ridge live? A Most of the time in Fayetteville, his mother took the children there to school them.
Q Was that in Arkansas? A Yes sir.

By L. B. Bell, Cherokee representative;

- Q Did you go into Arkansas with Mrs. Ridge, that is Hiram's mother when she married up there? A No sir we staid on her farm; when she went up there her farm was still on Honey Creek.
Q How long did you stay on that farm? A I dont know; it was kept up a good while; part of the time we would be on the farm, we would go there and work and when they did not need us there they would take us back to Fayetteville and hire us out.
Q What was your husband's name, or did you have one? A Henry Ridge.
Q Did you know old Peter? A Yes sir he was my brother-in-law.
Q Did you know Dr. Polston? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Did you live with him? A Not all together, just some of the time I would stay with him.
Q Where were you in '61 when this war broke out? A Well I was staying down to Polston's then and then back to Fayetteville.

Katie Ridge, 2.

Herman Ridge and Polston's wife was brother and sisters.

Q Didn't you live out closer to Bentonville than to Fayetteville?

A My Mistress lived there away after they killed John Ridge, she went from Honey Creek on to near Bentonville then.

Q How long did you live on that farm? A I don't know

Q When did Polston live on that farm? A I don't know exactly.

Q How long had he been living there when the war broke out? A I don't remember.

Q Several years? A I don't know.

Q You don't know nothing about it? A I don't know of him all the time.

Q Herman Ridge lived in Washington County Arkansas didn't he? A No sir.

Q Well tell me where he lived then? A In Fayetteville.

Q That is in Washington County? A I didn't know.

Q He was Mrs. Ridge's son? A Yes sir.

Q He lived up there when she moved there? A Yes sir.

Q And that was right after the killing of John Ridge? A Yes sir.

Q He lived there until the war broke out and then he went to the war himself and got killed? A Yes sir.

Q Where is your husband Henry? A He is dead, he died in small pox time.

By the Commission-

Q Where did your master die when he was killed? A Some where in the Territory -- he was in the Southern Army.

Q Was he married or single? A Single.

Q He went to the army from Arkansas? A Yes sir.

Simon Lynch, called and sworn as a witness by Commissioner T. B. Needles, testified as follows on the part of the applicant:

Q What is your name? A Simon Lynch.

Q How old are you? A 71.

Q What is your postoffice address? A Spavinaw.

Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.

Q Is your name on the roll of 1880? A Yes sir.

Q Do you know Katie Ridge? A Yes sir.

Q How long have you known her? A I don't know how long it had been, I knew her before the war.

Q Who did she belong to? A Mr. Ridge.

Q Was he a Cherokee citizen? A Yes sir.

Q Was he an Indian? A Yes sir.

Q Where did he live? A On Honey Creek.

Q Was Katie taken out of the Cherokee Nation during the war? A I don't know.

Q Where did you first see her after the war? A On Honey Creek.

Q When was that? A In '66.

Q Has she been living there ever since? A No sir she left there once.

Q She went to Joplin didn't she? A Yes sir.

Q Has she been living here for the last 30 years? A Yes sir.

Q Her master was who? A Herman Ridge.

Q Was he a single man when he was killed? A I don't know.

Q Do you know of him ever living outside of the Cherokee Nation? A I think he did.

Q Was he living in Arkansas? A Yes sir.

Q Was that before the war? A Yes sir.

Q Who did he live with in Arkansas, his father and mother? A I don't know.

By L. B. Bell:

Q What time of the year was it you say the applicant on Honey Creek in '66? A The summer of '66, I don't know just what time, but it was in the summer time.

Katie Ridge, 3.

Q What was you doing there? A I went to South West City.
Q You saw this woman there? A At the old place. Dr. Somebody owned it then.
Q Was he there? A Yes sir.
Q How far is that from South West City? A Taint very far, I dont know just exactly.
Q Is it a half a mile? A Yes sir several miles.
Q Were you ever at the place before? A Yes sir, been there lots of times there.
Q What was you doing there? A I went to Mr. Woodall's shop and staid at Mr. Ridge's every time I went to the shop.
Q Where did you go to from the shop? A On Batles Prairie.
Q When did you come here first after the war? A The first time I came was in '65, and then moved here in '66.
Q What time in '66 did you move here? A In February.

Applicant recalled: Examined by Commissioner Needles:

Q Did you get your strip money? A Yes sir.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 156, No. 1363, Katie Ridge, Cooweescoowee district.

By Com'r Needles,-

Katie Ridge applies for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896 but she is identified on the Kerns Clifton roll; she makes satisfactory proof as to her residence and will be listed for enrollment as a Cherokee Freedman on a doubtful card for the reason that her name is not found on the authenticated roll of 1880 and from the further fact that her citizenship is contested by the Cherokee representatives. When the Commission arrive at a conclusion in her case she will be notified by mail.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 18th of May, 1901 at Vinita, IT.

T.B. Needles.
Commissioner.

The undersigned, being duly sworn, says as stenographer to the Commission to the Five Civilized Tribes that the foregoing is a full, true and correct copy of the original.

Subscribed and sworn to before me this 18th day of July, 1901.

Commissioner.

To be filed in the case of Mandy Vann, et al., D-300.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 16, 1901.

Supplemental D-295.

In the matter of the application of Katie Ridge for enrollment
as a Cherokee Freedman.

Supplemental testimony.

Applicant present.

Cherokee Nation present, by its attorneys.

Anderson Lynch, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q Your name is Anderson Lynch? A Yes sir.
Q How old are you? A About 64.
Q What is your post office address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q You know Katie Ridge? A I didn't know her when I first saw her,
when I first saw ~~her~~ they they were up there on Honey Creek and some-
one said that was the Ridges.
Q What year was that? A That was along in the fall of '66, I
think it was.
Q You saw her in the fall of 1866 then? A Yes sir.
Q Have you known her since that time? A Yes sir, after they came
down here I got acquainted with them; he said it was some of the
Ridges that was up there on Honey Creek.
Q Do you know the Katie Ridge, the applicant here, as the same
woman you saw on Honey Creek in the fall of 1866? A Yes sir.
Q Do you know whether she was a slave or not? A No sir, I don't
know all the Ridges, all I know about them is what Simon was telling
me.
Q Simon who? A Simon Lynch.
Q Did you know them before the war? A No sir, he knew them.

By L. B. Bell, Cherokee attorney: Where were you going in '66?

A Going up to Southwest City.

Q How far is Southwest City from where they were living? A I don't
know, sir, I never noticed; the first time I ever had been there,
and I just went along with Simon.

Q About what time of the year was it? A It was along in the fall
like.

Q Can you recollect, early or late? A It was early, it wasn't so
cold, I know we slept out, we were going up there.

Q You don't recollect then how far it was from where they lived to
Southwest? A No sir, I expect Simon knows, he was acquainted up
there and I wasn't.

Q You went on from there to Southwest City, did you? A Yes sir.

Q How where was Southwest City, in the Cherokee Nation or Missouri?

A It was in Missouri or Arkansas, I don't know which, it was across
the line.

Bruce C. Jones, being duly sworn, says that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Bruce C. Jones,

Sworn to and subscribed before me this the 16th day of May, 1901.

Commissioner.

2- K.R.

The undersigned, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that is a true and correct copy of the original.

Wm. Hutchinson

Subscribed and sworn to before me this 26th day of August, 1903.

Charles W. Sawyer

Notary Public.

To be filed in the case of Mandy Vann, D-300.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 7th, 1901.

In the matter of the application of Cornelius Ridge for the enrollment of himself and three children as Cherokee Freedmen and for the enrollment of his wife as a Cherokee Freedman by intermarriage; said Ridge being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:

Messrs. Mellette & Smith for Applicants.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Cornelius Ridge.
Q What is your age? A About 49 I guess.
Q What is your post office? A Spavinaw.
Q What district do you live in? A Saline.
Q De you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q De you desire to enroll anybody besides yourself? Mr. Ridge?
A Wife and three children.
Q What is your wife's name? A Laura.
Q How old is Laura? A She is about 45.
Q What is the name of your first child? A Pearl.
Q How old is Pearl? A About ~~four~~ 14 I guess.
Q The next child? A Jesse.
Q How old is Jesse? A 12.
Q The next one? A Myrtle?
Q How old is Myrtle? A I huess eh is about eight.
Q Is your name on the roll of 1880? A No sir.
Q Is your wife's name? A No sir.

By Mr. Smith:

Q Where do you live? A I live in Saline District, Cherokee Nation.
Q Who is your mother? A Katie Ridge.
Q Do you know whether or not she applied for enrollment at Vinita?
A Yes sir, she did.
Q What sister did you have? A Phoebe and Mary, two sisters/
Q Did they marry, either one of them? A Yes sir.
Q Who did marry marry? A She married Dennis Hicks.
Q Whendid Phoebe Marry? A She married a Melton.
Q Were you born a slave? A Yes sir.
Q Who was your owner? A Herman Ridge.
Q Was he an Indian? A Yes sir, he was an Indian.
Q Where did he live before the war? A He lived in the Cherokee Nation part of the time and part of the time I guess in Arkansas.
Q Where was he living when the war commenced? A He was here in the Cherokee Nation.
Q Were you living with him? A No sir, I wasn't with him.
Q Where were you? A I was with my mother.
Q Where was she? A She was taken out of the Cherokee Nation.
Q You were his slave, thought? A Yes sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q When did you come back to the Cherokee Nation first after the war?
A Come back in '66.
Q Where did you come to? A Come to Honey Creek in the Cherokee Nation.
Q Who was with you if any one? A My father and mother and my family, of my father and mother.
Q Tell what members of your father's and mother's were with you?
you have named your father and mother and yourself? A Two sisters.

- Q What were their names? A Phoebe and Mary and a brother Jesse.
Q Is Jesse alive? A No sir, he is not alive.
Q Where do you live now? A I live in Saline District.
Q What is your post office? A Spavinawa
Q How long have you lived there? A About, I guess about 30 years.
Q You are not on the 1880 roll? A No sir.
Q Are you on the Kern-Clifton roll? A Yes sir.

The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton roll of Freedman of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 156, #3865, Cornelius Ridge, Cooweescoowee District.
Page 157, #3880, Pearl Ridge, Cooweescoowee District.
Page 157, #3881, Jesse Ridge, Cooweescoowee District.
Page 157, #3882, Myrtle Ridge, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 153, #3185, Cornelius Ridge, Saline District.

APPLICANT: She (meaning his wife) is a state woman.

- Q Mr. Ridge, have you any witness you want to examine now, any witnesses present? A No sir.
Q Have you witness that you think you will be able to get before the Commission at Nowata? A Yes sir.

By Mr. Hastings:

- Q How old are you? A I don't know, I guess I am about 49.
Q About how old were you when the war came up? A Don't know.
Q Katie Ridge was your mother? A Yes sir.
Q What was your father's name? A Henry.
Q Where were you living when the war came up? A I were living with my mother at the Doctor Polston's.
Q Well where was Doctor Polston living? A He was living near what is called Peter's Prairie.
Q How far is that from South West City, Missouri? A Well I don't know hardly exactly. I expect though it is probably two or three miles.
Q You were living when the war came up were you? A Yes sir.
Q How long had you been there? A I don't know, I don't suppose I had been there so very long; I don't know just how long I had been there.
Q Did Doctor Polston have a wife? A Yes sir.
Q What was her name? A Her name was Flora.
Q Was she living then? A Yes sir.
Q How many children had he when the war came up? A I don't remember.
Q Mr. Polston's wife was your mistress? A She was a sister to my Master.
Q You don't know how many children he had? A No sir.
Q Did he have any children? A Ap pears to me like there was one or two, I am not sure.
Q Boys or girls? A I don't hardly remember.
Q You don't remember? A No sir.
Q What kind of a house did Mr. Polston live in, on Peter's prairie.
A Well sir, I could not describe the house at all.
Q Did he get water out of a spring or a well? A Out of a spring.
Q You remember that, do you? A Yes sir, it appears to me like that is right.
Q Are you certain? A No sir, I am not right positive but seems to me like there was a spring.

Q Did Dr. Polston have a farm there? A Yes sir.
 Q Have an orchard? A I don't hardly remember, don't seem to me like there was an orchard; might have been, I won't be sure.
 Q Who did you say your master was? A Herman Ridge.
 Q Now, where was Herman living? A Well, sir, I don't know where he was living; he was an intermarried man.
 Q He had no home in the Nation did he? A The last account I know of Herman was that when he joined the army.
 Q Well, where was he living just before he joined the army?
 A I don't know, sir, I could not tell you.
 Q Well, now, you came back here did you with your father and mother?
 A Yes sir.
 Q Now what was the first point you came to? A In the Nation?
 Q Yes? A On Honey Creek.
 Q Now what place on Honey Creek; did you return? A Well, I don't know the name of the place at all, but as near as I can remember it was about probably three or four miles down the creek from where Southwest City now is.
 Q That is the point you came to was it? A Yes sir.
 Q That was near your old home? A Yes sir.
 Q You come right back to the old home, didn't you? A No sir, not right exactly.
 Q Well about how far from your old home? A It don't, it must have been, probably a mile and a half from the old Ridge place.
 Q Did you build a house? A No sir.
 Q How did you live there? A Went into a house that was there.
 Q That was vacant? A Yes sir.
 Q How long did you live there? A Well, sir, I expect we were there something like three or four months.
 Q Then where did you go? A Went to Missouri.
 Q Joplin? A Yes sir.
 Q You were married at Joplin, weren't you? A Yes sir.
 Q What is your oldest child's name? A Ida.
 Q Is she living? A Yes sir.
 Q How old is Ida? A Ida's about, I don't know, 24 or 25, I guess.
 Q Well isn't Henry older than Ida? A No sir, he is younger.
 Q And where was Ida born? A Ida was born on Grand River.
 Q Near what place? A On Lynch's prairie.
 Q How long after the war was it until you came down to Lynch's prairie? A How long after the war you ask me?
 Q That is the question. A I don't know, something about like three or four years.
 Q George Clark was living right near you then? A Yes sir, George Clark was living there.
 Q Then the only time you claim to have come back to the Cherokee Nation before that was when you were up on Honey Creek? A Yes sir.
 Q And you lived there you say about two or three months? A Yes sir.
 Q Now, what kind of a house was that you moved into? A It was a log house.
 Q Now, what direction from the old Polston was that log house that you moved into? A Well, if I am not mistaken and kind a turned around I say out south.
 Q Did you go up to the old place where you were there? A Polston place; yes sir.
 Q Who was living there? A Dr. Polston.
 Q Was his wife there with him? A Now I am not right sure, let me think over that a little, yes sir, I think she was.
 Q Did she have any children there? A Yes sir.
 Q Do you know their names? A No sir, I don't.
 Q What did you do for a living down there? A Didn't do anything.
 Q Do you remember any citizen you saw down around there? A No sir, I don't remember any one.

Q Where did you get anything to eat? A Brought provisions with us.
Q And just camped out down there in a house? A No sir, we lived down there in a house.
Q You never worked for anybody? A Never done a days work for anybody as I knows of.
Q Well, what year were you there? A We were there in the fall.
Q About what month? A Well sir, I don't know hardly, I expect though it was in or near the month of October, September or October, somewheres along about there.
Q Were you up about that town up there while you were down there on Honey Creek? A No sir.
Q You didn't go to anytown? A No sir, what do you mean, Southwest City.
Q Yes sir. A No sir, there wasn't no town there; we come right past there and there wasn't no town there.
Q Did you have any neighbors down there where you lived in that little house, any people living anywhere around you? A No sir, none that I know of; none that I was acquainted with except Polston.
Q None except Polston? A No sir, that I can remember now.
Q You don't remember any of those Indians that were living about you? A No sir, I don't remember, there was none living there as I know of.
Q Was there any field connected with your house you lived in? A No sir.
Q What did you get water out of, creek, spring or well? A Spring.
Q What direction was the spring from the house? A Well sir I don't know.
Q You don't remember? A Appears to me though like the spring was east, not to be positive.
Q How far was the home place from Honey Creek? A I presume something near a mile and a half.
Q Were you north or south of the creek? A Well I would say south.
Q Dennis Hicks' wife your sister? A Yes sir.
Q Was she older or younger than you? A Younger.
Q Where was she born, before the war or after and when? A She was born before the war, but I don't know where she was born at.
Q Did she go this round with you? A Yes sir.
Q Your mother was with you? A Yes sir.
Q Your father? A Yes sir; I think though Dennis' wife was born in Arkansas.
Q Before the war? A Yes sir, I think she was.
Q Well, now in all this round you went your father and mother and all the members of your family would go with them? A Yes sir.

By Com'r. Needles:

Q Well, you apply for your wife as an intermarried citizen, do you?
A Yes sir
Q When were you married to her? A I don't know sir, about '67 I guess.
Q Have you been living with her continuously since that time?
A Yes sir.
Q Living with her? A Yes sir.
Q Where were you married? A Married in Missouri.
Q She is a state woman? A Yes sir.
Q Where were you living in 1867? A In Missouri.
Q Brought your wife back with you when you come? A Yes sir.

By Mr. Hastings:

Q Joplin is in Missouri isn't it? A Yes sir.

By Mr. Smith:

Q What time, Cornelius, did you leave the Cherokee Nation after you

Cornelius Ridge et al. --5.

came here in 1866; how long did you stay here in 1866?

A We came in the fall and left after Christmas.

Q Were you a married or unmarried man at the time you came here in 1866? A Un,arried.

Q Why did you leave the Nation, there Cherokee Nation, at that time? A We didn't have anything to live on.

Q Where did you go? A Went to Joplin, Missouri.

Q How long did you stay there? A About three or four years, I presume.

Q And then where did you go to? A Camson Grand River.

Q In the Cherokee Nation? A In the Cherokee Nation.

Q Have you been living in the Cherokee Nation ever since?

A Yes sir.

Q In the meantime you had married? A Yes sir.

Q Did you bring your wife back here with you when you came?

A Yes sir.

By Mr. Hastings:

Q What time did you say you came back? A From Missouri?

Q Yes. A In about three or four years I guess.

Q After you went up there? A Yes sir.

Com'r. Needles:--Cornelius Ridge applies for the enrollment of himself and three children, Pearl, Jessie and Myrtle, as Cherokee Freedmen; he also applies for the enrollment of his wife, Laura, as a Cherokee Freedman by intermarriage. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he and his children are duly identified upon the Kern-Clifton pay roll, and he upon the Wallace roll. He avers that he was married to his wife, Laura, a state woman in the year 1867, and has lived with her continuously ever since that time. He makes satisfactory proof as to his residence, and in this connection, as requested by Counsel that the testimony taken in the present case be made a part of the record in the application of Dennis Hicks who was listed for enrollment on Cherokee Freedman card D #355, and it is ordered that the testimony taken in the application of Katie Ridge for enrollment as a Cherokee Freedman, who was duly listed for enrollment on D Card #295, be made part of the record in the present case and a copy of the same be filed in the case of the applicant, Cornelius Ridge. The said Cornelius Ridge and his children as enumerated herein will be duly listed for enrollment as a Cherokee Freedman upon a doubtful card, and his wife will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card for the further consideration of the Commission. The applicant will be notified by mail as to the final decision of the Commission.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson,

Subscribed and sworn to before me this June 17th, 1901.

T. B. Needles,

Commissioner.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the above and foregoing, and that same is a true and complete copy of the original.

Subscribed and sworn to before me this 26th day of August, 1901.

Charles H. Sawyer

Notary Public.

To be filed in case of Mandy Wann et al., D-300.

Department of the Interior.
Commission to the Five Civilized Tribes,
Vinita, I. T., May 16, 1901.

Supplemental D-295.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman.

Supplemental testimony.

Applicant present.

Cherokee Nation present, by its attorneys.

Anderson Lynch, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is Anderson Lynch? A Yes, sir.

Q How old are you? A About 64.

Q What is your postoffice address? A Vinita.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q You know Katie Ridge? A I didn't know her when I first saw her, when I first saw they they were up there on Honey Creek and someone said that was the Ridges.

Q What year was that? A That was along in the fall of '66, I think it was.

Q You saw her in the fall of 1866 then? A Yes, sir.

Q Have you known her since that time? A Yes, sir, after they came down here, I got acquainted with them; he said it was some of the Ridges that was up there on Honey Creek.

Q Do you know the Katie Ridge, the applicant here, as the same woman you saw on Honey Creek in the fall of 1866? A Yes, sir.

Q Do you know whether she was a slave or not? A No, sir, I don't know all the Ridges, all I know about them is what Simon was telling me.

Q Simon who? A Simon Lynch.

Q Did you know them before the war? A No, sir, he knew them.

By L. B. Bell, Cherokee attorney: Where were you going in '66?

A Going up to Southwest City.

Q How far is Southwest City from where they were living? A I don't know, sir, I never noticed; the first time I ever had been there, and I just went along with Simon.

Q About what time of the year was it? A It was long in the fall like.

Q Can you recollect, early or late? A It was early, it wasn't so cold, I know we slept out, we were going up there.

Q You don't recollect then how far it was from where they lived to Southwest? A No, sir, I expect Simon knows, he was acquainted up there and I wasn't.

Q You went on from there to Southwest City did you? A Yes, sir.

Q Now where was Southwest City, in the Cherokee Nation or Missouri?

A It was in Missouri or Arkansas, I don't know which, it was across the line.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 16th of May, 1901.

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
WASHINGTON

FILE
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The undersigned, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes that he copied the foregoing, and that he is a true and correct copy of the original.

Subscribed and sworn to before me this 27th day of May, 1901.

W. H. H. H.
W. H. H. H.
Notary Public

File with C.F. D-300, Mandy Vann, et al.

SUPPLEMENTAL: C.F. D-295, Kate Ridge.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 9, 1901.

In the matter of the application of Kate Ridge for enrollment
as a Cherokee Freedman.

TESTIMONY ON THE PART OF CHEROKEE NATION.

Appearances:

Mr. Mallette, of Mallette & Smith, attorneys for appl't.
Mr. L. E. Bell, of attorneys for Cherokee Nation,
and Mr. W. T. Hastings, of attorneys for Cherokee Nation.
W. H. WOOD, being sworn by Commissioner Needles, testified as

follows:

BY MR. BELL:

- Q What is your name? A W. H. Wood.
Q What is your age? A 48.
Q Post-office address? A Zenia, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you living here when the war begun? A Yes sir.
Q Where did you go? A Into the Choctaw Nation.
Q How long did you return to the Cherokee Nation after the close
of the war? A In '66.
Q Where did you come to? A Came to a place known as the Polston
place, on the south-west part of Peter's Prairie, Delaware District,
Cherokee Nation.
Q How far was that from where the Missouri line crosses Honey
Creek? A About a mile and a half.
Q When did you move onto to that place? A Moved on that place
in the fall of '66, I don't remember the month exactly.
Q Well did you live there when the war begun, or how come you to
go on that place? A We lived on Whitewater in the Cherokee Nation.
Q How come you to go on that Polston place? A I bought it from
Dr. Polston, my father did.
Q How old were you at that time? A I guess I was about 14 years
old.
Q Was there any town there at that time, near there? A No sir,
there was no town, there was a little post-office and store over
near the line that they called Honey Creek.
Q How long did you live there on that place? A We lived there about
2 years.
Q Then what did you do with it? A Sold it back to Dr. Polston.
Q And you left it? A Yes sir.
Q Well now you went there in the fall of 1866 and you stayed there
then? A Until the fall of 1868.
Q During the year of 1866, that is to say, the winter of 1866,
were there any freedmen living on that place? A No sir.
Q Were you acquainted with one Katie Ridge a Freedman? A No sir.
Q Cornelius Ridge? A No sir.
Q No parties of that sort lived down on that farm? A No sir.
Q Are you acquainted with what is known as the old Washbourn place
at that time? A Yes sir.
Q Was there any Freedmen living on that place by that name? A No
sir.
Q How far is that from the Polston place? A About a mile and a
half north and west.
Q Well how south and east of that place for a mile and a half
around about that Polston place was there any other houses? A No
sir, nothing but hills and hollows, no improvements whatever for 5
or 6 miles.
Q When did Dr. Polston ^{occupy} that place after you bought it from
him or did he ever? A He went right on the place when we left it

in '68.

Q Where did he move from to that place? A He moved from Mayesville Arkansas.

Q Where was he living during the year of 1867 after you bought that place from him? A He was living, I think possibly he moved next part of his family to Mayesville and part of them was in Fayetteville in the early part of '67, and in the winter of '67 they all rode there to Mayesville and lived there until he bought this place back.

Q No, do you know anything about where Dr. Polston was in the early part of '66, or where he come from when you saw him and your father bought the place? A He came from Arkansas.

Q He was a white man was he? A Yes sir.

Q Do you know when the, - no, I don't guess you do either, you never did get acquainted with Katie Ridge did you? A Never have seen her that I know of.

Q There never was any Freedmen on that place from '66 after you bought it? A No sir, there wasn't but one house and we had it.

Q After that was there any Freedmen lived on the Washbourn place that you knew of? A Not that I had any knowledge of.

Q But you moved away from that place in '68? A Yes sir.

BY MR. WILLETTTE:

Q How old are you, Mr. Wood? A 48 years old last July, sir.

Q You must have been about 13 years old then in 1866, that right?

A Yes sir, going on 14 I think.

Q What did you mean by buying a place at that time, you didn't buy a place did you? A I said my father.

Q You were quite a young boy at that time? A Yes sir.

Q Do you remember well everything that took place in those days?

A Yes sir, I do.

Q You paid particular attention to just who was living around there? A Yes sir, there wasn't so many but what you could count them very easy.

Q You were a 13 year old boy and still you recollect it at this time? A Yes sir.

Q What place are you talking about as the one that without colored people did not live on? A On the Polston place.

Q Where was that? A On the south edge of Peter's Prairie in the Cherokee Nation.

Q Was that on Honey Creek? A No sir, it wasn't directly; the brakes of Honey Creek, a mile I guess from the Creek.

Q How many Polston places were there in that country? A Just the one.

Q How do you know? A I lived there.

Q You were a boy 13 years old, can you remember that there were no other places belonging to Polston? A Yes sir.

Q Where did you go during the war? A I went to the Choctaw Nation.

Q When did you return? A In '65.

Q What time in '65? A Spring.

Q What time in the spring? A We left Carriage Point in the Choctaw Nation in April and I think we were possibly 3 months getting through.

Q Do you know Herman or Hiram Ridge? A No sir.

Q You don't know where he lived before the war then? A No sir.

BY COM' R NEEDLES:

Q Are you a Cherokee citizen? A Yes sir.

Q By blood? A Yes sir.

Q What is your occupation? A I am farming and selling goods.

BY MR. BELL:

Q Now you said you returned in 1865, did you come to the Cherokee Nation in '65? A No sir.

Q Where did you come to? A We landed up on Honey Creek in the state of Arkansas on Mike Elevins' place.

Q And then moved down into the Cherokee Nation in '65? A Yes sir.

Katie Ridge etx (sup'1)3

WESM. M. WOODALL, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Give your name, age and post-office? A M. M. Woodall, 59, Big Cabin.

Q This is a case, Mrs. Woodall, of Katie Ridge, Freedman woman, claiming to be a Cherokee slave before the war of a Cherokee, and now claims a right as a Cherokee citizen under the 9th article of the treaty of 1866, were you acquainted with the Ridge family, Cherokees? A Yes sir.

Q Where did you know them? A I knew them in Fayetteville, Arkansas

Q How did you get acquainted with them? A I married into the family.

Q Who was it? A I married Eneous Ridge.

Q About when was that? A I married him in '58, spring of '58.

Q Were you acquainted with one Herman Ridge? A Yes sir, it was my brother-in-law.

Q That was a brother of your husband? A Yes sir.

Q Were you acquainted with Miss Flora Polston? A Yes sir, she was a sister to my husband.

Q Were you acquainted with Mrs. Sarah Ridge? A No, she died before I went there; she was the mother of my husband. She died a year or so before I went there.

Q Where did this Herman Ridge, your brother-in-law, live when you became acquainted with him? A At Fayetteville, at his sisters, Mrs. Washbourn's.

Q Was that his home? A Yes sir, all the home I ever knew of.

Q You never knew of him having a home in the Cherokee Nation?

A No sir.

Q This home that he had was in Washington County, Arkansas?

A Yes sir.

Q Did you know a negro woman he had by the name of Katie? A Yessir.

Q Did she have a husband named Henry? A Yes sir.

Q Have any children? A Yes sir.

Q Could you name any of them? A Cornelius is the only one I ever saw while I was there that I know of; she had other children, but I don't remember of ever seeing them when they were small; I have seen them since they were grown.

BY MR. MELLETT:

Q Mrs. Woodall, was Herman Ridge a Cherokee Indian? A Yes sir.

Q Didn't he have a farm in the Cherokee Nation? A Not that I ever knew of, there was a farm here that had belonged to his father, but I don't think he ever claimed it.

Q He claimed to be a Cherokee citizen didn't he? A I don't know whether he did or not; he always lived there; he was living in Fayetteville when I knew him and I never heard him say.

Q You didn't become a member of the family until in '58 did you?

A No sir.

Q That was two years before the war began, say? A Yes sir.

Q When did you see Katie Ridge back in the Indian Territory, in 1866? A I wasn't here in 1866; I saw Henry, her husband, in Springfield, Missouri, the winter of '66, but I didn't see her.

Q Well you were a witness for Katie Ridge before the Wallace Court were you not? A Yes sir, that is, they asked me the same questions you have asked me; they didn't ask me whether she was here in '66 or not; they didn't ask me that question at all; they asked me if I knew her and knew she belonged to the Cherokees before the war, and I told them I did.

Q Are you a citizen of the Cherokee nation? A Yes sir.

Q By what right? A By marriage.

Q You married Herman Ridge's brother? A Yes sir.

Q And by virtue of marrying Herman Ridge's brother you claim to be a citizen of the Cherokee Nation? A Well I never lived in the Cherokee Nation during his lifetime; my present husband is a Cherokee.

Q Your present husband is a Cherokee? A Yes sir.

Q Where did you live during the lifetime of Mr. Ridge? A We lived at Fayetteville, Arkansas.

Q How long did you live there? A A year and four months, that was as long as he lived.

Q That was up just about the beginning of the war? A Well I ~~just~~ lived there until '59. I left there in the fall of '59.

Q Where was the farm located that the father of Herman Ridge owned in the Cherokee Nation? A Well I don't know, it was somewhere on Honey Creek, but I don't know anything about the farm, that Herman Ridge owned?

Q No, that Herman Ridge's father owned? A Why it was somewhere on Honey Creek, but I don't know anything about the place; I never was there; I suppose that Dr. Polston lived on part of it, I don't know though whether it was or not.

Q How long after the close of the war was it that you saw Katie Ridge in Springfield, Missouri? A I never saw Katie Ridge in Springfield, Missouri, - I saw her husband.

Q Oh, you just saw her husband? A Yes sir.

Q Was she there? A I don't know, he said he was living near Springfield, Henry Ridge told me he was living there near Springfield at the time I saw him.

Q Eu you didn't see Katie at all? A No, I didn't see her; ~~at~~ I didn't see any of his family at that time.

Q When did you see Watie Ridge first? A I saw her in '72 here in the Cherokee Nation, fall of '72.

Q Where did you see her? A I saw her on the road toward Southwest City on the old Watie place. That's as near as I can tell you; I don't know exactly where on the road I saw her, I was horseback and met the wagon; I was with Stan Watie's daughter, and she told me that was Uncle Henry and his family, and I stopped and spoke to him.

JOHN R. SHIELDS, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Tell that gentleman your name, your age and post-office? A Grove is my post-office; my name is John R. Shields; my age is 53.

Q Are you a citizen of the Cherokee nation? A I guess not.

Q Well how do you put it down for a fact? A Well I expect you will have to put it down for a fact that I never proved my right somehow or another; my wife claims citizenship, but we never went through; we are one of these that got behind. I am not a citizen myself at all.

Q You are a white man, not an Indian? A Yes sir.

Q Where were you living in '66? A I was living 2 miles north of Southwest City, up on what is known as the "Line Road", line between the Cherokee nation and Missouri.

Q Were you living 2 miles north of Southwest City or what is now called Southwest City? A 2 miles north of what is now Southwest City at the present time.

Q At the time you lived there was there a town on the present site of Southwest City? A No sir.

Q What was there? A Honey Creek without anything more, there was a man's farm there, crossing of the road on the Creek; there was no town or village there at all.

Q Can you state just when a store was first put up there and a town started? A I can't give the exact date, but directly after the war in '66 or perhaps '67.

Q Who was the first man that went there? A Alex Strothers and J. B. Lawrence were the first men to put up stores.

Q Was there a post-office established there? A Well they kept a post-office there in the store, in the hands of Mr. Strothers I think the post-office was handled.

Q Well the post-office was there in the store? A Yes sir.

Katie Ridge (sup'l) 5

Q What was the place called then? A Honey Creek. ^{did it}
Q How long did it retain that name of Honey Creek, or when ^{change}
back to Southwest? A It remained Honey Creek until there was a
little village started up there and then it was changed to South-
west City.
Q Was that in one or two or three years? A Well yes, three years
perhaps, somewhere along in that range, I don't know just when,
I don't recollect the date as to when it was changed, but after the
town was started a little.

MR. MELLETTE: I don't believe I want to ask him anything.

JAMES M. BELL, being sworn by Commissioner Needles testi-
fied as follows:

BY MR. BELL:

Q Give me your name, age and post-office? A My name is James M.
Bell, aged 69, post-office Needmore, or Vinita, either one.

Q You are a citizen of the Cherokee nation are you? A Yes sir.

Q How long have you lived in this Cherokee nation? A Well with
the exception of a few intervals I have been here since '39.

Q Well you have been here 40 years or more? A Yes sir.

Q Were you acquainted with John Ridge's family? A Yes sir.

Q Do you know when John Ridge died? A He was killed the 12th day
of June, 1839.

Q Where did he live then? A He lived on Honey Creek, in Delaware
District.

Q Did he leave a family? A Yes.

Q Name what they were if you can do it? A ~~His first~~ His first
child was not of sound mind, a girl, Rolen Ridge was the next,
Herman, Eneous, Andrew, Susan Washbourn, Flora Polston, constituted
the family.

Q Well, how long did they continue to reside, or did they contin-
ue to reside in the Cherokee Nation after John Ridge's death? A I
think they moved out immediately, out of the country; they didn't
remain long after the death of Ridge.

Q What became of them? A They moved to Benton County, Arkansas.

Q How long did they reside there, or did they continue to live
there? A They were living there when I was visiting the family
but afterwards moved to Fayetteville, that was in '50 sometime, that
I was there.

Q That in Benton county? A In Benton County.

Q Then you say they afterwards moved to Fayetteville? A Yes sir.

Q Where is Fayetteville? A In Washington County, Arkansas.

Q You were acquainted with Herman Ridge were you? A Yes sir.

Q How old a man was he at the time of his death, if you know?
A He was between 25 and 30; he was 25 I reckon; between that and
30.

Q Well he was killed when? A He was killed in '63 I believe, or
'62, in the Cherokee Nation.

Q Well his father was killed in '39, how old did you say he was
you think? A I think he was between 25 and 30.

Q Now where did he live and make his home? A He was with his moth-
er; he was a single man; had no family of his own.

Q He was with his mother where? A In Benton County, Arkansas.

Q When did he join the army? A He joined in '62.

Q ~~Where~~ Well did he come from Arkansas to do that? A Yes.

Q Do you know of his ever having a farm, location or home or hab-
itation in the Cherokee Nation after his father was killed and his
family moved out of the country? A Never did.

Q You were intimately acquainted with the family were you? A Yes
sir.

Q They were closely related to you were they? A Yes sir.

Q By blood, friendship, social matters or what? A It is by blood.

Kate Ridge (sup'1) 6

stating that we are related by blood, but what degree I don't know, but the family were intimately acquainted.

BY MR. BELLETT:

Q Where did you live just before the war? A My father lived in what was called Flint district down here near Stilwell before the war.

Q Where did the Ridges move from when you say they moved to Benton County, Arkansas? A They moved from off of Honey Creek, Delaware District.

Q That's in the Cherokee Nation? A Yes sir.

Q Well they kept up their farm after they went to Benton County, didn't they? A Rollin Ridge moved onto the farm after his father was killed, but didn't remain there long; Rollin Ridge was the oldest son, and moved back onto the farm with the expectation of restoring the old place I guess, and living there.

Q Now were you there and know all about this personally; did you see that? A I saw Rollin Ridge there, yes sir, at the place.

Q I will ask you if Peter Ridge, a slave, was not in charge of that place for the Ridges after they went out into the State? A I don't know anything in regard to that.

Q I will ask you if they didn't leave the Territory because of the murder of John Ridge? A That is the family?

Q Yes. A Left the country on that account, that's my understanding, yes sir.

Q You don't mean to say that they abandoned their citizenship in the country? A Well I don't know; it is my impression that they did.

Q Why? A Why it was impossible for them to live here.

Q All you know is that they were out of the Territory? A Yes, I know that they were out of here.

Q I will ask you now if a Mrs. Ridge, the mother of Herman Ridge, who lived in Benton County, there at Fayetteville, she didn't send her slaves back and forth from where she was to their farm to keep it up? A I know nothing of that.

Q Didn't she take supplies from that farm over to her house at Fayetteville to live on? A She might have done so, but I knew nothing of that.

L. B. BELL, being sworn by Commissioner Needles, testified as follows:

BY MR. W. W. HASTINGS:

Q What is your name? A L. B. Bell, 62 years old, Vinita.

Q Where were you born? A Well I was born in the State of Georgia I guess, Haverham County, they tell me; I don't have no recollection of it.

Q Where did you live when you were first old enough to remember, in the Cherokee Nation here? A Well I think I was right down here below the Grand Saline, below that Frank Adair farm in 1843 when the whole world was flooded, I just have recollection of moving out of there, '43 or '4.

Q Do you remember the Ridge family? A Yes sir.

Q Do you remember where the old Ridge place was on Honey Creek this side of Southwest City? A Yes, I know what they called the old Ridge place, on Peter's Prairie.

Q Were you ever at that place prior to the war? A On lots of times.

Q Now who lived there, occupied it? A Old Peter, the way I first got acquainted with John, Rollin Ridge, a son of John Ridge lived there, him and his family, and he killed a man there and run off and had to go to California, left there and never came back any more. Then an old man named Peter, an old slave of his, that he had there, remained on the place 3 or 4 years, then it passed into the hands of Dr. Folston, who married Flora, the youngest girl of John Ridge's family; they lived there until '61 probably lived there 3 or

Kate Ridge (Sup'l) 7

or 4 years.

Q Did you know Herman Ridge? A Yes sir, I knew Herman Ridge so far as I could recollect.

Q Where did you know him? A I knew him in Benton County, Arkansas first; next at Washington County, Arkansas, at Fayetteville.

Q Was he living at Fayetteville when the war came up? A He lived there and at Fayetteville from '48 up until the war as well as I could recollect him, and then he come and joined our command, that is the Confederate Army, General Watie was a kinsman of his and he joined the 33 regiment that he was raising, and I think he was killed in '63, or maybe '62.

Q Anything else you want to state? A That's about all I know about that place, except that Polston re-occupied the place and lived there, - his wife died in about 1868; his heirs own it yet.

BY MR. MELLETTTE:

Q You are chief counsel for the Cherokee nation in the conduct of these Freedmen cases are you? A Yes sir, supposed to be.

MR. MELLETTTE: Well I believe if that is the case I will let you go.

MRS. M. M. WOODALL, being re-called and further examined, testified as follows:

BY MR. BELL:

Q Did Herman Ridge keep his slaves, keep this Katie up there in Washington County while he lived there? A Yes sir, they lived right there.

BY MR. MELLETTTE:

Q Did she return to the Cherokee Nation at any time that you there while you were there? A Not that I know of.

Q You don't pretend to say you can remember back that long and say she didn't return to the Cherokee Nation? A She never returned to the best of my knowledge, I was there.

Q No the descendants of the Ridges are still citizens of the Cherokee nation are they not? A Yes sir.

Q The Washburns? A Yes sir.

Q What relations are the Washburns to Herman Ridge? A Mrs. Washburn was Herman Ridge's sister, the children are Herman Ridge's nieces and nephews.

Q Where was Mrs. Washburn living when you were living at Fayetteville? A She was living at Fayetteville.

Q And did she live after the war? A At Fayetteville?

Q No, where did she live after the war? A When I knew her after the war she lived here in the Cherokee nation on Honey Creek.

Q This Mrs. Washburn who was Herman Ridge's sister and lived at Fayetteville with Herman Ridge, came back to the Cherokee Nation after the war as a citizen? A Yes sir.

Q She was a young lady at the time she was living at Fayetteville? A She was a married woman.

Q Married to Washburn? A Yes sir.

Q Didn't they all leave the Cherokee Nation because they were afraid of their lives after John Ridge was murdered? A Well I don't know why they went; I wasn't in the family then.

Q They all came back to the Cherokee nation after that? A Mrs. Washburn and her family and Polston and his family came back.

Q Polston married Herman Ridge's sister? A Yes sir.

Q Did he leave the territory during the war? A I wasn't here during the war, I don't know anything about it.

Q Where was Polston living when you went into the Ridge family in '58? A He was at Fayetteville.

Q He is back in the Cherokee Nation as a citizen is he not? A He is not living now.

Q He did move back into here as a citizen after the war? A Yes.

Q I will ask you if they were not temporarily outside of the Cherokee Nation because it was unsafe for them to live in the Cherokee Nation?

Kate Riddle (sup'1) 8

okee Nation? A Well I don't know; I know they were living there and that's all I know; I never heard them say anything about it.

BY MR. HASTINGS:

Q You don't know what legal steps were taken by these people, Washburne and the Polstones to re-establish their citizenship? A No sir.

COMMISSIONER KNEELER: The testimony will be filed in Katie Riddle, Cherokee Freedman D 295, and D355 and D 588, and D 589 and D 590, D 560, D 561, D 562 and D 558.

(Copies of this testimony have also been made for C.F.D-576, D558, D547, D582, D594 and D586. -Stamm.)

F.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

F.D. Green

Subscribed and sworn to before me this November 12th, 1901.

[Signature]

Commissioner.

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U.S. DEPT. OF JUSTICE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mandy Vann and minor children, Early Vann, Pansy Vann and Herbert Vann, as Cherokee Freedmen.

D E C I S I O N.

The record in this case shows that, on May 15, 1901, Johnson Vann, Jr., appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment, among others, of his wife, Mandy Vann, and minor children, Early Vann, Pansy Vann and Herbert Vann, as Cherokee Freedmen. All the evidence taken in the cases of Katie Ridge, Cherokee Freedmen D-295, and Cornelius Ridge, Cherokee Freedmen D-586, is filed with and made a part of the record in this case. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Mandy Vann is the daughter of Cornelius Ridge and his wife, Laura Ridge, a state woman, and that she claims right to enrollment through said Cornelius Ridge.

The evidence further shows that Cornelius Ridge was the slave of a Cherokee citizen at the commencement of the rebellion; that he left the Cherokee Nation during said rebellion and did not return thereto until after January 19, 1867.

The evidence further shows that the said Mandy Vann was married, in about the year 1897, to one Johnson Vann, Jr., who is duly identified on the 1880 authenticated roll of the Cherokee Nation and the 1896 census roll of said nation as "adopted colored;" that the said Johnson Vann, Jr., had a wife living and from whom he was not divorced at the date of his said marriage to Mandy Vann.

The evidence further shows that Early Vann is the son of Mandy Vann, born to her prior to her marriage; and that Pansy Vann and Herbert Vann are children of the said Mandy Vann by her husband, the said Johnson Vann, Jr.

Section 692 of the Compiled Laws of the Cherokee Nation (1892) provides:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this nation, without any judgment of divorce or other legal proceeding; provided, that the issue from such unlawful marriage shall nevertheless be legitimate."

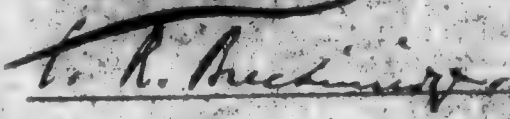
The evidence further shows that the said Pansy Vann and Herbert Vann have resided in the Cherokee Nation all their lives. The evidence does not show that the father of Early Vann, or any of his ancestors, were slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the beginning of the rebellion. The names of said Early Vann and Mandy Vann are not found on the 1880 authenticated roll of the Cherokee Nation.

Ch.F.D-300.

It is, therefore, the opinion of this Commission that the application for the enrollment of Mandy Vann and Marly Vann, as Cherokee Freedmen, should be denied under the provisions of Section twenty-one of the Act of Congress approved June 28, 1906 (34 Stat., 498); and it is further the opinion of this Commission that Fanny Vann and Herbert Vann should be enrolled as Cherokee Freedmen, in accordance with the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.







Muskogee, Indian Territory,

this JUL 10 1903

IN RE
THE DEATH OF

Mandy Lane
a citizen of the

State of Oregon Nation.

Approved July 11 1904

C. M. Buckner
Commissioner.

J. H. V.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Mandy Vann
(Here insert name of deceased.)
 a citizen of the Cherokee Nation, who formerly resided at or near
Chateau, Ind. Ter., and died on the 10 day of
July, 1901.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Johnson Vann Jr., on oath state that I am 38
 years of age and a citizen, by adoption, of the Cherokee Nation;
 that my post office address is Chateau, Ind. Ter.; that I am
(Here insert name of post office.)
husband of Mandy Vann,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by adoption, of the Cherokee Nation;
 and that said Mandy Vann died on the 10 day of
July, 1901.
(Here insert name of deceased.)

WITNESSES TO SIGN:

(Must be Two Witnesses.)

R. Palmer

George K. Bell

Johnson X Vann Jr.
 mark

Subscribed and sworn to before me this 16 day of June, 1901.

Samuel Foreman,
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
 District.

I, _____, on oath state that I am _____
 years of age, and a citizen, by _____, of the _____ Nation;
 that my post office address is _____, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with _____,
(Here insert name of deceased.)
 who was a citizen, by _____, of the _____ Nation;
 and that said _____ died on the _____ day of _____,
(Here insert name of deceased.)

WITNESSES TO SIGN:

(Must be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 1901.

Notary Public.

Refer in reply to
the following:
LAND.
55268/1904.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, March 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated August 24, 1903, transmitting the record relative to the application of Johnson Vann, Jr., for the enrollment of Mandy, Early, Pansy and Herbert Vann as Cherokee Freedmen.

The record in this case shows that Mandy Vann is the daughter of Cornelius Ridge and Laura Ridge, his wife, who was a state woman. She claims right to enrollment through her father, Cornelius Ridge. Cornelius Ridge was the slave of a citizen of the Cherokee Nation at the commencement of the war. In 1897 Mandy Vann was married to Johnson Vann, Jr., who is identified by the 1880 roll as an adopted colored. Early Vann is the son of Mandy Vann, born prior to her marriage to Johnson Vann, Jr. Pansy and Herbert Vann are the children of Mandy and Johnson Vann.

Cornelius Ridge, father of Mandy Vann, left the Cherokee Nation during the war and from the record it does not appear that he returned thereto within the time limit fixed by the treaty of 1866 and therefore Mandy Vann, his daughter, is not entitled to enrollment as a Cherokee Freedman.

There is nothing in the record which shows that the father of Early Vann or any of his ancestors, were slaves to the Cherokee Citizens or free colored persons residing within the Cherokee Nation at the commencement of the war.

Johnson Vann, Jr., had a wife living from whom he had not been divorced at the time he married his present wife, Mandy Vann. Under the provisions of Section 692 of the Cherokee Laws, it is not probable that Mandy Vann would be entitled to enrollment even if the Court of Claims should find that women intermarried with freedmen are entitled to enrollment, as the marriage under that section, is absolutely void.

However, Pansy and Herbert Vann are the descendants of a person whose name appears on the 1880 roll, and the approval of the Commission's decision of July 10, 1903, favorable to them and adverse to enrollment of Mandy and Early Vann, is recommended.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

GAW-H

D C 14381-1904.

COPY

J.P.

I.T.D. 2410-1904. DEPARTMENT OF THE INTERIOR,

FHE

L.R.S.

WASHINGTON.

May 3, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 24, 1903, you transmitted the record in the matter of the application of Johnson Vann, Jr., for the enrollment of his wife, Mandy Vann, and his three minor children, Early, Pansy and Herbert Vann, as Cherokee Freedmen, including your decision of July 10, 1903, granting said application as to Pansy Vann and Herbert Vann, and rejecting said application as to Mandy Vann and Early Vann.

Reporting in the matter 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Cher. Fr. R-294

Cher. Fr. R. 294

See Cher. Fr. 1091-2-6

File with Samantha Chambers, Doubtful C.F.

Department of the Interior,
Commission to Five Civilized Tribes,
Nowata, I.T., June 24, 1901.

In the matter of the application of Emanuel Chambers for the enrollment of himself, his wife and one child as Cherokee Freedmen.

Emanuel Chambers, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Emanuel Chambers.
Q How old are you? A 21.
Q What is your post office address? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My wife and one child.
Q Is your name on the roll of 1880? A Yes, sir.
Q What is your wife's name? A Samantha Childers.
Q How old is she? A 18 years old.
Q Is she a Freedman? A Yes, sir.
Q What is your child's name? A Elmore Chambers.
Q Are you married to Samantha? A Yes, sir.
Q When did you marry her? A In 1898 I believe.
Q Have you any certificate of marriage? A No, sir.
Q Who married you? A Ned Vann.
Q Is he living? A Yes, sir.
Q How old is your child? A It will be 3 years old in December, the third.
Q What is your wife's father's name? A Jim Childers.
Q Is he living? A No, sir, he isn't living.
Q What is her mother's name? A Tildy Childers.
Q Is James Childers' name on the roll of 1880? A I don't know where his name is.
Q Is Tildy's name on the roll of 1880? A I don't know anything about where either of them is.
Q Then you don't know whether your wife is a citizen or not? A She is a citizen, but I don't know what rolls they are on.
Q How do you know she is a citizen? A I knew Jim Childers and Tildy Childers.
Q What is your father's name? A Charles Chambers.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Caroline Chambers.
Q Is she living? A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined and the parents of the applicant, Emanuel Chambers, identified thereon as follows:
Charlie Chambers on page 83, No. 593, Cooweescoowee district;
Caroline Chambers on page 83, No. 597, Cooweescoowee district.
The 1888 census roll of Cherokee Freedmen examined and the applicants identified thereon as follows:
Emanuel Chambers on page 399, No. 89, Cooweescoowee district, as Manuel Chambers.
Samantha Chambers not on 1888 roll.
The 1890 authenticated roll of Cherokee Freedmen examined and the parents of the applicant, Samantha Chamber, not identified thereon.
Q What proof have you got as to your wife's citizenship? A Ed Campbell.
Mr. W. W. Hastings, Cherokee attorney: Did your wife's mother have any sisters and brothers? A She has got brothers and sisters.
Q What are their names? A One is named Maria and one named Rose.
Commissioner: What proof have you got of your marriage to Samantha?
A Ned Vann.

Emanuel Chambers - 2.

Q Is the preacher living that married you? A Yes, sir, he isn't on the ground anywhere though.

Commissioner: Emanuel Chambers applies for the enrollment of himself, his wife Samantha, and his child Elnora. He is duly identified upon the census roll of 1898. He avers that he is the child of Charles and Caroline Chambers, and they are duly identified upon the authenticated roll of 1880. He avers that he was married to one Samantha Childers, and avers that she is a citizen. He makes no proof of marriage. He avers that the result of said marriage is one child, Elnora, three years of age. He makes no proof of the birth of said child.

Q Have you always lived in the Cherokee Nation? A Yes, sir, born and raised here.

Q This child alive? A Yes, sir.

Commissioner: Consequently, Emanuel Chambers and his child Elnora will be listed for enrollment as Cherokee Freedmen. In order to complete the enrollment of his child, Elnora, it will be necessary to file satisfactory proof of his marriage and satisfactory proof of birth of his child.

The name of his wife, Samantha, whom he avers is the child of James Childers and Tildy Childers, cannot be found upon any of the rolls of the Cherokee Nation. Consequently, his wife Samantha will be listed for enrollment as a Cherokee Freedman upon a doubtful card. The applicant will be notified by mail of the result of the decision of the Commission as to his wife.

The Kern-Clifton roll examined and the applicant, Samantha Chambers, identified thereon, page 172, No. 4838, Samantha Childers, Cooweescoowee district.

Commissioner: The name of his wife Samantha is afterwards identified upon the Kern-Clifton pay-roll.

Supplemental testimony.

Ed Campbell, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Ed Campbell.

Q What is your age? A 50 or a odd.

Q What is your post office? A Coffeyville.

Q What nationality are you? A I am a Freedman.

Q Is your name on the roll of 1880? A Yes, sir.

Q Do you know ~~xxxxxxSamanthaChambersxxxxxxSamanthaChildersxxxxxx~~ Emanuel Chambers, the applicant? A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q What is her name? A I forget the name now.

Q Her name Samantha? A Yes, sir.

Q Samantha what? A She was a Gibson, some called them Childers, they generally went by their father's name.

Q What was their father's name? A They called him Jim Gibson, some times, and sometimes Jim Childers.

Q What was her mother's name? A Named Tildy.

Q Were they slaves before the war? A Jim was, her father.

Q Where did he go during the war, do you know? A No, sir.

Q Do you know who he belonged to? A Yes, sir.

Q Who? A Belonged to Levi Childers.

Q Do you know when he returned to the Cherokee Nation after the Civil war? A No, sir, I don't know.

Emmanuel Chambers - 3.

Q Where did you first see him after the Civil war? A I was him on the Verdigris river.

Q When was that? A Well I don't know, about '68 I guess, along there sometimes.

Q You know Tildy wasn't a Cherokee Freedman? A No, sir, she was a State woman.

Q Do you know whether Jim and Tildy were ever married? A No, sir, I don't know.

Q Do you know of them having lived together as man and wife?

A Yes, sir.

Q Were they generally recognized in the community as man and wife?

A Yes, sir.

Mr. Hastings: Had she been married before? A No, sir, I think not, I know her before she was married.

Q Had he been married before? A I think not, not as I know of.

Commissioner: Was Samantha born while they were living together as man and wife? A Yes, sir.

Q And sometimes he went by the name of what? A His father was named Gibson and his owner was named Childers.

Q Is Jim Childers alive? A No, sir, he is dead.

Q When did he die? A Why he died before 1880 sometime, I don't know just when it was.

Henry Melton, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Henry Melton.

Q How old are you? A About 64.

Q Do you know the applicant here, Emanuel Chambers? A Yes, sir, I know him.

Q Do you know his wife Samantha? A Yes, sir.

Q Know whether they were married or not? A Yes, sir, they were married.

Q How do you know? A I was to the wedding.

Q When was that? A Well, I think it has been about 2 years.

Q They been living together as man and wife ever since? A Yes, sir.

Q Got any children? A Got one.

Q What is its name? A Minora.

Q Do you know Samantha Childers' father? A Jim Gibson, yes, sir.

Q Did you know him before the war? A Yes, sir, I saw him.

Q Was he a slave? A Yes, sir.

Q Who did he belong to? A Belonged to Sarah Childers.

Q Was he a Cherokee? A Yes, sir.

Q Did he go out of the Cherokee Nation during the war? A Jim did, yes, sir.

Q Where did he go? A They said he was a soldier.

Q You know when he came back to the Cherokee Nation? A No, sir.

Q When did you first see him after the war? A I saw him along in '87 in the spring.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 14th of July, 1901.

Bruce C. Jones

Commissioner.

Sup'l to Cherokee F. D. 845.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I.T., Aug. 19, 1903.

In the matter of the application of Samantha Chambers, for enrollment as a Cherokee Freedman.

SAMANTHA VANN, being first duly sworn and examined, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Samantha Vann.
Q How old are you? A 20 I guess or 22.
Q What is your postoffice address? A Dewey.
Q Are you an applicant for enrollment by this Commission as a Cherokee Freedman? A Yes sir.
Q Under what name did you apply to be enrolled? A Chambers.
Q Were you at one time married to Emanuel Chambers? A Yes sir.
Q Since you applied for enrollment have you married someone else? A Yes sir.
Q What is your present husband's name? A Ed Vann.
Q Is he a Cherokee Freedman? A Yes sir.
Q When were you and he married? A August.
Q Last August? A Yes sir.
Q What day? A I don't know.
Q Married this month? A No sir, last August.
Q You and Ed Vann living together now are you? A Yes sir.
Q Did you ever have a child named Elnora Chambers? A Yes sir.
Q Who took that child when you and Emanuel Chambers separated? A I took her myself.
Q Have you got that child now? A Yes sir.
Q Have you had it ever since you and the child's father separated? A Yes sir.
Q Were you and Emanuel Chambers ever divorced? A Didn't have any.
Q You never got the Court to give you a divorce? A We didn't have no license when we were married.

R. Palmer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 21st day of August, 1903.

R. Palmer
Sammuel Foreman
Notary Public.

Cherokee Freedmen D 845.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Samantha Chambers as a Cherokee Freedman.

DECISION.

The record in this case shows that, on June 24, 1901, Emanuel Chambers appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment, among others, of his wife, Samantha Chambers, as a Cherokee Freedman. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Samantha Chambers was eighteen years of age at the date of this application; that she is the daughter of Jim Childers, and claims the right to enrollment as a Cherokee Freedman through him.


The evidence further shows that said Jim Childers was the slave of a Cherokee citizen at the commencement of the rebellion; that he left the Cherokee Nation during said rebellion, and did not return thereto until after January 19, 1867.

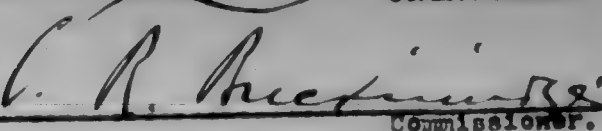
It further appears that neither the name of Jim Childers, nor of the applicant herein, are found on the 1880 authenticated Cherokee roll.


It is, therefore, the opinion of this Commission that the application for the enrollment of Samantha Chambers as a Cherokee Freedman, should be denied under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 1 - 1903

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } SS

In the matter of the application of Samantha
Chambers for enrollment as a Cherokee Freedman.

No. F. D. 8431

Henry Pack of lawful age, being duly sworn on
oath states that on the 21st day of September, A. D., 1901, he registered
to Samantha Chambers whose postoffice is Coffeyville Kan.
~~_____~~, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;
and that on the 10th day of October, 1901, he received the return
card which is hereto attached, signed by the said Samantha Chambers, showing
that he had received said notice.

Subscribed and sworn to before me on this the 10th day of October A. D. 1901.

Henry Pack
J. C. Starr

Notary Public.

FD 845-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
10 1901

NOTICE!

IN THE MATTER OF the application of Samantha Chambers
for enrollment as Cherokee Freedmen:
Case No. F. D. 845

To Samantha Chambers Coffeyville Kans.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 28th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L. B. Bell

W. W. Hastings

J. B. Sampson

Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Samantha Chambers,

Coffeyville, Kans.,

Cherokee-F-0-845.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

FD. 845.

2

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 24, 1901*
 Post Office *Coffeyville Kas.*
 District *600*

1. Name Age
 Owner's name Citizenship
 Year Page No. District

Parents:

Father Citizenship
 Mother Citizenship

2. Name of wife *Samantha Chambers* Age *18*
 Owner's name Citizenship
 Year *1872* Page *172* No. *4238* District *600*

Parents:

Father *James Childers dead* Citizenship *Wh. Freed*
 Mother *Matilda* .. Citizenship *Colored.*

Names of Children:

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				

[Large signature across the table]

Application made by *Emanuel Chambers* Stenographer *Al Jones*

On Release Samantha Childers

XRF

Cherokee F.D-845

Muskogee, Indian Territory, July 10, 1903.

Emanuel Chambers,

Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your wife, Samantha Chambers, as a Cherokee freedman, together with a copy of the Commission's decision dated July 1, 1903, rejecting your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles,

Commissioner in Charge.

Enc. D-81

Register.

COPY.

Cherokee F. D-845

Muskogee, Indian Territory, July 10, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting the application of Emanuel Chambers for the enrollment of his wife, Samantha Chambers, as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Meeker
Commissioner in Charge.

Enc. D-52

COPY.

Cherokee F.D-845

Muskogee, Indian Territory, July 10, 1904.

The Honorable

the Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Emanuel Chambers for the enrollment of his wife, Samantha Chambers, as a Cherokee freedman, including the Commission's decision dated July 1, 1903, rejecting said application.

Respectfully,

T. E. Neel

Commissioner in Charge.

Through the
Commissioner of Indian Affairs,

Enc. D-53

Refer in reply to
the following:

LAND
43334-1904.

COPY

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 15, 1904.

The Honorable,

The Secretary of the Interior. Acting Commissioner.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated July 10, 1903, transmitting the record relative to the application of Emanuel Chambers, for the enrollment of his wife, Samantha Chambers, as a Cherokee freedman.

July 1, 1903, the Commission held that the applicant was not entitled to enrollment. Samantha Chambers is the daughter of Jim Childers, and claims right to enrollment as a Cherokee freedman through him. Jim Childers was the slave of a Cherokee citizen, Levi Childers, at the commencement of the war. From the record it appears that Jim Childers, father of Samantha Chambers, was a soldier, but there is no evidence to show that he returned to the Cherokee Nation, although the Commission found that he did not return within what they then understood to be the time limit fixed by the treaty of 1866. The only material testimony on this point is that of Henry Milton. He says that after the war he first saw Jim Childers in the Cherokee Nation "along in '67 in the spring."

In view of the record in this case it is recommended that the decision of the Commission be not approved and that the record be returned to the Commission with direction to determine if possible

D C 14383-1904.

COPY

I.T.D. 2296-1904. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

FHE

April 30, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 15, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application of Emanuel Chambers, for the enrollment of his wife, Samantha Chambers, as a Cherokee freedman, and recommended that your decision adverse to the applicant be not concurred in, and that the record be returned with directions to determine, if possible, when Jim Childers, father of Samantha Chambers, returned to the Cherokee Nation.

Samantha Chambers was married to Emanuel Chambers, it appears, in 1898. The Department does not deem it necessary to remand the case, as this applicant has had due opportunity to submit competent evidence to substantiate her claim. This she has failed to do, and after due notice of your decision she has made no motion for review or rehearing. Your decision is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan,

1 inclosure.

Acting Secretary.

Cherokee Freedmen
D-845.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the application for the enrollment of Samantha Chambers as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 30, 1904.

Respectfully,

Chairman.

mo9

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKINRIDGE

WM O BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-848.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

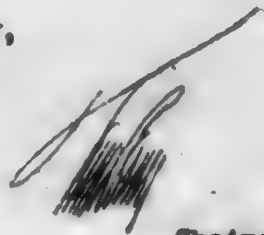
Muskogee, Indian Territory, May 11, 1904.

Samantha Chambers,
Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 30, 1904.

Respectfully,



Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

RECEIVED
MAY 11
5-8
1904



C7 D845-

R 296

Cherokee

Samantha Chambers,
Coffeyville, Kansas.



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Mrs. Samantha Chambers,
Coffeyville, Kansas.

5352

RETURN TO WRITER.

Cher. Fr. R-297

Cher. Fr. R-297

See Cher. Fr. R-298-9

File with F. D. 298, William Hayes.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I. T. APRIL 25th, 1901.

In the matter of the application of John Starr for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. E. Needles, testified as follows:

- Q What is your name? A Josh Starr.
Q How old are you? A 48.
Q What is your post-office address? A Fort Gibson.
Q What district do you live in? A Tahlequah.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled as a Freedman of any other Nation? A No sir.
Q Have you ever been recognized by the Cherokee Tribal authorities as a Freedman? A Well, about half way.
Q Is your name on the rolls of the Cherokee Nation? Only the Wallace roll.
Q Who do you want to have enrolled besides yourself? A Just myself.
Q You say your name is not on any of the rolls except the Wallace roll? A That is all.
Q Did you draw strip money? A No sir.
Q What is your father's name? A Phil Hayes.
Q Is he living? A No sir.
Q What is your mother's name? A Barbara T. Starr.
Q Is she living? A Yes sir.
Q Is she recognized as a Cherokee Freedman? A Yes sir.
Q Where were you born? A In Flint District.
Q Were you born a slave? A Yes sir.
Q Who was your owner? A Gals Starr.
Q Is he living? A No sir.
Q Where were you at the beginning of the war between the United States and the Confederacy? A In Flint District.
Q Where were you at the close of the war? A In the Choctaw Nation.
Q Had you been taken out during the war? A Yes sir.
Q How long did you stay there? A About three years.
Q When did you return to the Cherokee Nation? A In the fall of '66.
Q Have you been living here ever since? A Yes sir.
Q Why is your name not on the roll of 1880? A The reason that my name is not there is this: I had it put there, Judge Hicks took my name and when they were going to enroll it Eff Adair he said that we had been sold during the war, and we had'nt been sold at all, and they taken my name off the roll again.
Q The reason that they would not enroll you then was because they had information that you had been sold to a non-citizen owner during the war? A Yes sir, that is it.
Q Had you been sold? A No sir, never was sold.
Q And you say that you came back here in '66? A Yes sir.
Q And you have been here ever since have you? A Yes sir.
Q Never have been outside at all? A Oh, yes sir, I was in Fort Smith some, one time I was there at court and staid there four weeks.
Q Were you there as a defendant? A No sir, as a witness.

BY JAMES BAYNEPORT, Cherokee Representative:

- Q You say your family belonged to Gals Starr? A I did, my mother

belonged to Zeek Starr.

Q Who came back with you to the Cherokee Nation when you came after the war? A Charles Starr,

Q Who else came with you? . . . Where was Hickory Starr? A In Flint.

Q He knew you before the war, didn't he? A Yes sir.

Q He would know you when you came wouldn't he? A I don't know.

Q Where did you come to in the Cherokee Nation after the war?

A To Flint.

JEFF RUSSELL, sworn as a witness by Com'r Needles, testified as follows:

Q What is your name? A Jeff Russell.

Q How old are you? A 76.

Q What is your post-office address? A Melvin.

Q In what district do you live? A Tahlequah.

Q Are you a recognized citizen of the Cherokee Nation? A No sir.

Q You don't claim citizenship? A Only by marriage.

Q Do you know Josh Starr? A Yes sir.

Q How long have you known him? A Evere since the winter of '66.

Q Did you get acquainted with him then? A I saw him.

Q Where did you see him? A Near Evansville, in Flint District, and then in 1867 I staid all night with him.

Q Have you known him ever since? A Yes sir.

Q Do you know if he was a slave? A I think he was.

BY THE CHEROKEE NATION'S ATTORNEY:

Q Had'nt known him before the war had you? A No sir, I knew his mother.

Q His mother was a slave of Gale Starr's? A Yes sir.

Q And they all went South during the war? A Yes sir.

Q Do you know with whom they came back after the war? A I think one of the Starr's came back with them, think it was Charles Starr.

Q Is he the Charles Starr that lived on Sallisaw? A I don't know, but he is the one that was High Sheriff at Tahlequah.

Q He is the one that lived on Sallisaw and then afterwards became High Sheriff at Tahlequah? A Yes sir.

Q You heard they came back with him? A Yes sir.

Q Not positive are you, as to what time they came back in '66?

A No sir, it was in the winter.

Q It was in the winter of '66 was it? What time in the winter?

A Awhile before Christmas.

Q And you say you saw them near Evansville, the first time? A Yes sir.

Q Was Charles Starr there then? A I don't know, I didn't see all the crowd.

Q Where have they been living ever since that time? A Part of the time they lived right this side of where I first got acquainted with him.

Q The Gale Starr that you understand was his owner was a near relation of Hickory and Zeek Starr, was he not? A Yes sir.

BY THE CHEROKEE NATION'S ATTORNEY OF THE APPLICANT:

Q Didn't you and your mother make a crop on the Kiamitia, in the Cheetaw Nation—— your mother was Aunt Barbara wasn't she?

A Yes sir, that was my mother.

Q Well didn't you and she make a crop down there after the war closed?

A Yes sir, we did.

Q Do you remember that year it was? A '66.

CLARK GRIMMET, sworn by Com'r Needles, as a witness, testified as follows:

Q What is your name? A Clar Grimmet.

Q How old are you? A 48.

Q What is your post-office address? A Fort Gibson.

Q Are you a Cherokee Freedman? A Yes sir.

Q Do you know Josh Starr? A Yes sir.

Q Do you know where he was in 1866? A No sir, I don't know where he was in 1866.

Q Did you know him before the war? A I knew him time of the war.

Q When did you first see him after the war? A Seen him at Tahlequah, the first time that I seed him after the war.

Q What war that? A In June of 1867.

Q Was that the first time that you saw him after the war? A Yes sir.

Q Do you know if he was taken out during the war? A I don't know.

The Wallace Roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows: Page 125, No 2032, Josh Mayes, Tahlequah District.

BY COM'R NEEDLES: Josh Starr applies for the enrollment of himself as a Cherokee Freedman; his name is not found on any of the rolls of the Cherokee Nation in possession of the Commission, except the Wallace roll. By reason of the fact that his name is not on any of the other rolls in the possession of the Commission, and from the unsatisfactory testimony as to his citizenship, although he makes satisfactory proof as to residence, the said Josh Starr will be listed for enrollment as a Cherokee Freedman on what is known as a doubtful card for the further consideration of the Commission.

The 1850, 1886 and Burns-Clifton rolls of the Cherokee Nation examined and the name of the applicant not found thereon.

Chas. Von Weiso, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. Von Weiso.

Subscribed and sworn to before me this the 25th day of April, 1901, at Fort Gibson, I. I.

(signed) T. B. Needles,
Commissioner.

April 24th 1901.
Fort Gibson, I. T.
Tahlequah District.

Cherokee Freedman.

Name, Josh Starr, Age 48.

Owners name, Caleb Starr.

Wallace, page 125, No. 2032, District Tahlequah.

Parents:

Father Phil Mayes

Mother Barbara Starr.

Name of wife	Age	Citizenship	District
Owner's Name	Year	Page	No.
Parents:			
Father	Doubtful	Citizenship	
Mother		Citizenship	
Names of children:			
3	Year	Page	No
4	Year	Page	No
5	Year	Page	No
6	Year	Page	No
7	Year	Page	No
8	Year	Page	No
9	Year	Page	No
10	Year	Page	No
11	Year	Page	No
12	Year	Page	No

Application made by No. 1. Stenographer, Chas. Von Weise.
 On Wallace roll as John Mayer.
 X Ref.

SUPPLEMENTAL TESTIMONY.

P. D. #183.
 P. D. #184.

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 FORT GIBSON, I. T., APRIL 30th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of BARBARA
 E. STARR, P. D. #184, and JOHN STARR, P. D. #185, as Cherokee Freed-

Cherokee Nation present by its Attorney,
 Applicant, John Starr, present in person, and proof
 of notice to Barbara E. Starr as to the taking of
 testimony, filed.

A. S. BARRINGTON, being sworn and examined by Commissioner T. S.
 Hamilton, testified as follows:

Q What is your name? A. S. B. Barrington.
 Q What is your age? A. Barrington? I am 31.
 Q What is your present address? A. Wallcross.
 Q Are you a recognized citizen of the Cherokee Nation?
 A. Yes sir.

BY A. S. BARRINGTON, Cherokee Representative:
 I have been for some time in the service of the Cherokee Nation.
 As I was located at Wallcross, near the Wallcross Station,
 at the time I witnessed the taking of the testimony of Barbara E. Starr.
 As you know, when the war broke out the war of 1861-1865, the
 Cherokee Nation was divided into two parts, one part was in the
 South and the other part was in the North. The part in the South
 was the part that was in the service of the Confederate States,
 and the part in the North was the part that was in the service of
 the United States. The part in the South was the part that was
 in the service of the Confederate States, and the part in the North
 was the part that was in the service of the United States.

I guess.

Q She was a slave before the war? A Yes sir.

Q And she went South with your grandmother? A Yes sir.

BY COM'R NEEDLES:

Q Whom did she belong to? A My grandmother Starr.

Q You are satisfied that she did'nt return until the fall of '67?

A Yes sir.

Q Has she been living here ever since? A Yes sir.

BY J. S. DAVENPORT:

Q You know who brought her back? A Yes sir, Charley Starr brought her back.

JAMES STARR, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A James Starr.

Q What is your post-office address? A Grove.

Q What district do you live in? A Delaware.

Q What is your age, Mr. Starr? A I am 68 years old.

Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

Q By blood? A Yes sir.

BY J. S. DAVENPORT:

Q Where did you live at the breaking out of the Civil War?

A I lived in Flint District.

Q Do you know Barbara Starr, a colored woman? A Yes sir.

Q She was a slave of whom? A My mother.

Q Do you know whether or not she left the Cherokee Nation during the war? A She went South with us.

Q How when did she come back, do you know Mr. Starr?

A Fall of '67.

Q Did you know who brought her back? A Charley Starr brought her back.

Q When did you return to the Cherokee Nation? A '68.

Q Is there any circumstances with reference to her coming back makes you remember when it was? A We left there and come back to the Nation and then we went after her.

Q She come back in the fall of '67? A Yes sir.

BY COMMISSIONER NEEDLES:

Q Is Charley Starr living? A Yes sir.

Q You are positive that Barbara Starr did not come back to the Cherokee Nation until the fall of '67? A Yes sir.

Q How old was she? A She is a good deal older than I am, she must be up about 80.

Q She was of age and grown woman when she come back?

A Yes sir, and had children.

G. W. BUFFINGTON, re-called testified as follows: EXAMINATION BY JOSH STARR, one of the applicants in this case:

Q What I wanted to ask you, did them Fisher boys run a horse race there in 1867? A No, they run in 1868.

Q What is the time Josh Starr claims he got here, in 1868, and I was here a little over a year before he come? A Yes, you were here a year before the Fisher boys run the race; they run the race in the summer of 1868, and this party come in the winter of '67.

Q What year was it when your Uncle Gals come here? A Come in 1868.

Q He come in the Spring and I come in the Fall? A No, he come in

the winter and you come in the Fall; the winter of '66, and we all come across from the Choctaw Nation over there and raised a crop on Grand river, and you were out on Red river then; the first crop we made in the Choctaw Nation in 1866, on the Choctaw side, and then in the fall of '66, or winter rather, moved into the Cherokee Nation and in 1867 made a crop there and in the fall after the crop was made I went out south there and brought Aunt Barbara back, and the next year is when the horse race was made.

Q Your uncle Cale, what year was it he left over there in?

A I reckon in; he left in Christmas; it was before 1865 we left there in; I mean it was in the winter of '65 or Spring of '66. I think though it was in '65 before Christmas. I was in Texas, Rush County until October or November, November I guess, '65 and come back; I never seen any of the folks until we moved back to Sandboy. They moved up there about Christmas time, it was in '65.

Q He moved away from you and you promised to come in the Spring and my brother come in the summer time, and Charley Starr was going to school over in Texas and he settled all the board bill and we come on her and helped pull corn, and he always stated to me that was in the fall of '66. The crop you helped gather was up there in Flint. The crop he raised in '66 was raised at Sandboy, in the Choctaw Nation, and we sold that crop and didn't gather it and moved across the river and raised a crop there, and that is the crop you helped to gather in '66. I remember Charley Starr went to school over there in Texas after Cale left there and come back in the winter, that was '66 when he come back; he never come back until about February, '67. He stayed over there a year after Uncle Cale left there.

Q Do you know when Smith come back? A No I don't.

Q He come back and we got here before he did, and he claims he come in in time, and there is old man Cott, we come before he did and he claims he come in the fall of '66; he brought some colored folks with him and there never was any disputes about them, and they was put on the rolls and they drawed the first time that was paid out.

A I don't know anything about them.

COMMISSIONER NEEDLES, TO JOSH STARR:

Q Did you come back with your mother? A Yes sir.

Q Did you come before your mother? A I come here and got the team and went back after them.

Q How long before you come back here and the time before you moved her up? A We come here and stayed three weeks and went back, and he told us to hurry with the team he wanted to pull his corn.

J. W. HUFFINGTON, re-called, testified as follows:

BY COMMISSIONER NEEDLES:

Q Was Tobe (Starr) in the Choctaw Nation in 1866? A Yes sir.

Q But he didn't come into the Cherokee Nation until 1867?

A Yes sir.

Q And come there in 1866? A Yes sir.

JAMES STARR, re-called, testified as follows: BY JOSH STARR, one of the applicants:

Q When my brother rid that horse of yours and went back over in the Choctaw Nation and broke that horse of yours, wasn't that in

the fall of '66; do you recollect that sorrel horse, and he left a saddle over there and went back after it, and after Christmas I made a crop there? A I don't know anything about that.

BY COMMISSIONER NEEDLES:

Q Where was Josh in 1866? A In the Choctaw Nation.

Q Your recollection then is, that he didn't come here to the Cherokee Nation until the Fall of 1867? A Yes sir.

Q Did Josh come with his mother? A Yes sir, come to my house and stayed all night.

Q That is as they were coming back? A Yes sir.

BY J. S. DAVENPORT:

Q Do you know anything about Tobe Starr? A Yes sir, he belonged to me; he was of the same mother; he left me in Fort Smith in '63, and I never saw that fellow until day before yesterday.

BY COMMISSIONER NEEDLES:

Q You don't know when he come back to the Cherokee Nation?

A No sir, he went ahead and told me a whole heap of things that makes me believe it is the same man.

BY J. S. DAVENPORT:

Did his mother belong to you? A Yes sir, his mother belonged to my mother and he was mine, individually.

Q Do you know whether he left the Cherokee Nation during the war?

A Yes sir, his mother went North.

Q And you never heard of him until day before yesterday? A No sir.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this 30th, day of April, 1901.

(signed) C. R. Breckinridge
Commissioner.

N O T I C E.

In the matter of the application of Josh Starr for enrollment as Cherokee Freedman. Case No 183.

To Josh Starr:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, Indian Territory, on the following dates, to-wit: April the 29th and 30th, A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof the undersigned representatives of the Cherokee Nation have hereunto set our hands on this the 26th day of

April, 1901.

(signed) L. B. FELL
W. W. Hastings
J. E. Ravenport,
Attorneys for Cherokee Nation.

United States of America,
Indian Territory,
Northern District, } ss-

I do solemnly swear that I delivered a true copy of the within notice to Josh Starr, on the 20th day of April, 1901, A. D. 1901, 20th day of April 1901.

(signed) John Parks,
Marshal for the Cherokee Nation.

F. D. 163.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T. T., May 23rd, 1902.

In the matter of the application of Josh Starr for the enrollment of himself as a Cherokee Freedman,

Supplemental to D-153.

Cherokee Nation appears by W. W. Hastings.

COMMISSION: The Cherokee Nation makes satisfactory proof of service on the said Josh Starr, that it would on the 23rd day of May, 1902, introduce testimony tending to disprove his right to be enrolled as a Cherokee Freedman. The applicant has this day, to-wit: the 23rd day of May, 1902, been called and fails to respond either in person or by attorney.

BY MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation of date 1871, as shown from a book taken from the records of the Executive Department entitled, "Docket of Decisions Cases for Cherokee Citizenship tried in 1871," and from Flint District as follows:

"No. 155, Josh Starr.
Decided against claimant June 18, 1871."

Arthur G. Croninger being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Croninger,
Subscribed and sworn to before me this 7th day of July, 1902.

(signed) F. S. Newton,
Notary Public.

SEAL.

I, Mattie E. Dewitt, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I carried the foregoing testimony and proceedings in the above stated case, and the same is a true copy from the original.

Mattie E. Dewitt

Sworn to and subscribed before me this the 6th day of August, 1900.

Pruce C. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May, 15th 1901

In the matter of the application of William Mayes for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles testified as follows:

- Q What is your name? A. William Mayes.
Q How old are you? A. 34.
Q What is your post office address? A. Hudson.
Q What district do you live in? A. Cooweescoowee
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Are you a recognized Cherokee Freedman? A. My mother is said to be.
Q Who do you want to have enrolled besides yourself? A. Just myself
Q Is your name on the roll of 1880? A. No sir.
Q Is it on any of the rolls of the Cherokee Nation? A. Yes sir.
Q What roll? A. Wallace.
Q Did you draw your strip money? A. Yes sir.
Q What is your fathers name? A. John Mayes.
Q Is he living? A. No sir.
Q What is your mothers name? A. Flora Cott.
Q Is she living? A. No sir.
Q You say your mothers name is on the roll of 1880? A. No sir I didn't say it was.
Q Were you a born slave? A. No sir.
Q Was your mother a slave? A. Yes sir.
Q Who did she belong to? A. John Cott.
Q Was your mother taken out of the Cherokee Nation during the war?
I dont know.
Q Do you know if she came back in 1866? A. No sir I dont.

ARTHUR BEAN called and sworn as a witness by Com'r Needles, testified as follows on the part of the applicant:

- Q What is your name? A. Arthur Bean.
Q What is your age? A. 58.
Q What is your post office address? A. Vinita.
Q Are you a recognized Cherokee Freedman? A. Yes sir.
Q Do you know William Mayes? A. Yes sir.
Q Did you know his mother? A. Yes sir.
Q What was her name? A. Flora Cott.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. John Cott.
Q Was he a Cherokee Indian? A. Yes sir.
Q Was she taken out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. South.
Q Whereabouts south? A. In the Choctaw Nation.
Q When did she return to the Cherokee Nation? A. I dont know.
Q Where was she in '66? A. In Flint
Q In the Cherokee Nation? A. Yes sir.
Q How do you know she was? A. I heard she was in that district then and had got this boy.
Q Where was you living then? A. On this side of Grand river in Saline
Q Did she ever come to your place with this boy? A. Yes sir.
Q What year was that she came to your place? A. In '67
Q You dont know exactly what time the mother came to the Cherokee Nation? A. No sir.
Q Has this boy lived in the Cherokee Nation ever since you saw him first? A. Yes sir.
Q He was a child then? A. Yes sir.
Q Was he a child when he was taken out of the Cherokee Nation? A. I dont think he was borned then yet when the war was going on; I knew she drawed that first money for him and her—the bread money.

By L. B. Bell, Cherokee attorney:

- Q What was paid in '78 wasn't it? A. Yes sir.
Q You never knew this boys folks when they belonged to Cott did you?
A Yes sir.
Q Where at did you know them? A. On Flint. This boys grandmother was

William Hayes: 2

my sister.

Q Where did you live in 61? A. On Grand river in Saline.

Q How do you know this boy's mother's grandmother was your sister? A. I was told so by my father.

Q You knew nothing of them previous to 1867? A. No sir.

Applicant recalled and examined by Commissioner:

Q Do you know where you were born? A. In Flint District said to be.

Q How long has your mother been dead? A. About 20 years.

AMY BEAN called and sworn as a witness, testified as follows on the part of the applicant:

Q What is your name? A. Amy Bean.

Q What is your age? A. 45.

Q What district is your post office address? A. Vinita.

Q Are you a Cherokee citizen? A. Yes sir.

Q Recognized as such? A. Yes sir.

Q Do you know the applicant here? A. Yes sir.

Q How long have you known him? A. Ever since he was small.

Q Do you know where he was born? A. No sir.

Q Did you know his father? A. No sir.

Q Did you know his mother? A. Yes sir.

Q Who was she? A. Flora Gatt.

Q Was she a slave? A. I don't know, I guess she was.

Q When did you first see William Hayes? A. On Grand river.

Q In what year? A. I don't know, don't remember exactly the year.

Q You say you knew his mother? A. Yes sir.

Q Was she taken out of the Cherokee Nation during the war? A. I don't know.

Q You never got acquainted with William and his mother until after the war? A. No sir.

Q In what year? A. Don't know the year.

Q Don't know if it was in '66, '7 or '8? A. No sir, it might have been in '67.

JOE BEAN called and sworn as a witness by Commissioner T. B. Needles testified as follows on the part of the applicant:

Q What is your name? A. Joe Bean.

Q How old are you? A. 55.

Q What is your post office address? A. Spavinaw.

Q Do you know the applicant? A. Yes sir.

Q How long have you known him? A. Ever since he was a baby.

Q Where was he born? A. I cannot tell that, his mother brought him to my house when he was a baby.

Q What year? A. I don't remember the year.

Q What was his mother's name? A. Flora Gatt.

Q You don't know what year they came to your place? A. No sir, but his mother drew the \$10.00 payment.

Q Was his mother a slave? A. Yes sir.

Q Who did she belong to? A. Gatt.

Q Was he a Cherokee citizen? A. Yes sir.

Q Was his mother taken out of the Cherokee Nation during the war? A. Yes sir, she went to Texas.

Q Do you know when she returned? A. No sir I don't know just when she did.

Q You don't know if William was born after she returned from Texas or not? A. No sir.

Q Was she sold in Texas but you know of? A. No sir she said that her owner brought her back.

By L. B. Bell:

William Mayes 3.

- Q Did she live with you after she came back? A. Yes sir.
Q How do you know that she went south? A. She told me so.
Q Who did you say she belong to? A. Scott.
Q You only know that from what she told you? A. Yes sir.

Applicant recalled and examined by Commissioner:

- Q Did you draw your strip money? A. No sir.
Q Set your Wallace money? A. Yes sir.

TOBE BEAN, called and sworn as a witness by Com'r Needles, testified as follows on the part of the applicant:

- Q What is your name? A. Tobe Bean.
Q How old are you? A. 63.
Q What is your post office address? A. Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A. No sir they dont recognize me.
Q Do you know the applicant here? A. Yes sir.
Q Did you know his mother? A. Yes sir Flora.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. John Scott.
Q Did she go out of the Cherokee Nation during the war? A. She said she went south with Mr. Scott.
Q Do you know when she got back? A. No sir.
Q Do you know where this boy was born? A. She said he was born in Flint.

The 1880, 1896 and Kerns Clifton rolls of the Cherokee Nation examined and the name of the applicant not found thereon.

The Wallace roll of the Cherokee Nation examined and the applicant identified hereon as follows:
Page 124, No. 2609, William Mayes, Saline district

By Com'r Needles,--

William Mayes applies for the enrollment of himself; he is not found on the 1880 authenticated roll of 1880, the census roll of 1896 or the Kerns Clifton roll, but he is found on the Wallace roll; he is duly identified, and swears that he is the child of John Mayes by his wife Flora Scott. By reason of his name not appearing on the 1880 roll his enrollment is contested by the Cherokee Nation and he will be listed for enrollment on a doubtful card to await the further consideration of the Commission. He will be notified by mail when a conclusion is reached in his case.

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that he above is a full true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 20th of May, 1901 at Vinita, I. T.

Chas. von Weiss

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 23d, 1901.

In the matter of the application for enrollment as a Cherokee Freedman of William Mayes, the following supplemental testimony is offered on the part of the Cherokee Nation:

APPEARANCES:

Mr. W. W. Hastings, for Cherokee Nation;

Proof of service of notice on the said applicant has been filed, but applicant fails to appear in person or by Attorney.

WILLIAM GOTT, being duly sworn by Commissioner Needles, testified as follows:

- MR. HASTINGS: What is your name? A William Gott.
- Q What is your post office? A Stilwell.
- Q What is your age? A 61.
- Q Are you a Cherokee citizen? A Yes, sir.
- Q What is your father's name? A John Gott.
- Q Is he alive? A Yes, sir.
- Q Did you or your people own a slave before the war by the name of Flora? A Yes, sir.
- Q Did you own her at the time the war came up? A Yes, sir.
- Q Where did she go during the war? A We refuged south to Red river..
- Q Did you take her with you? A Yes, sir.
- Q What became of her, did you leave her down there, or she came back? A I brought her back when I came back.
- Q When did you bring her back? A I brought her back in the latter part of the fall of '67.
- Q Latter part of the fall of '67? A Yes, sir.
- COM'R NEEDLES: Did you know her after that? A After I left her back here?
- Q Yes? A Yes, sir, only a short while though.
- Q Did you any of her children? A No, sir, well, now, I met this young man, I don't know him.
- Q You don't know that he is her child? A No, sir.
- Q Don't know where he was born? A No, sir, I do not.
- Q I understand you to say that Flora never returned to the Cherokee Nation until the fall of 1867? A Yes, sir.
- Q Was she with you and your family all that time? A Yes, sir.
- Q You held her there as a slave? A Yes, sir, until she was freed.
- Q When did you consider she was freed? A '65.
- Q You didn't hold her as a slave after '65? A No, sir, but she remained with us.
- Q And come back with you? A Yes, sir.

MARK BEAN, being duly sworn by Commissioner Needles, testified as follows:

- MR. HASTINGS: What is your name? A Mark Bean.
- Q What is your age? A 58.
- Q What is your post office? A Evansville, Arkansas.
- Q Do you know this other witness here, William Gott?
- A Yes, sir.
- Q Did you know his father, John? A Yes, sir.
- Q Do you know a slave that ~~was named~~ they owned by the name of Flora? A Yes, sir.
- Q Do you know when this witness, William Gott, son of John Gott, returned to the Cherokee Nation after the war?
- A No, I don't know just when he returned; he came back in the summer of '67 with my brother and wrote for me to come down and I met

him at Colbert's in the summer of '67.

COM'R NEEDLES: Where is Colbert? A Chocotaw Nation.

Q You met Mr. Gott there in '67? A Yes, sir.

Q Was he enroute then from Red river to the Cherokee Nation?

A Yes, sir.

Q You are satisfied it was in '67? A Yes, sir.

WILLIAM GOTT, recalled, further testified:

MR. NEEDLES: Are you certain you didn't return to the Cherokee Nation until 1867? A When Mr. Bean met us I came with his brother to this country just alone, that was in '67; I returned in the fall and brought my sister and she owned this family of darkies.

Q Where were you, how far south did you go? A I went to Red river.

Q In the Chocotaw Nation? A Yes, sir, I lived right there at Doaksville.

Q I understand that Flora never went out of the Indian Territory during the war, that she was ~~my~~ with you all the time in the Chocotaw Nation? A Yes, sir, she never went out of the Territory.

Q She returned to the Cherokee Nation from the Chocotaw Nation?

A Yes, sir.

Q Your family with her didn't go into the states? A No, sir.

Q About what part of the Chocotaw Nation was it, Mr. Gott, was it right on Red river? A It is near Doaksville, it is near Red river.

Mr. Hastings: The representatives of the Cherokee Nation desire to introduce part of the record taken from a book marked: "Docket of doubtful cases for Cherokee citizenship; tried in 1871; upon which appears the following: "No. 149. Flora Gott and family; decided against Claimant; came too late:" dated June 16th, 1871.

Com'r Needles of Mr. Hastings: What book is that? A Record of the Supreme Court of the Cherokee Nation.

Q Supreme Court of the Cherokee Nation? A Yes, sir.

Com'r Needles: By request of the Attorney for Cherokee Nation this testimony will be filed in the cases of Sherman Bryant, D.#323, and in case of Minta Nash D.#324.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this September 23d, 1901.

F. R. Beckwith

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 20, 1902.

In the matter of the application of William Mayes for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-298.

APPEARANCES:

Lewis T. Brown for applicant.

W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation in 1871 as shown by the book taken from the records of the Executive Department of the Cherokee Nation entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," and from the list of colored doubtful roll, Flint District, as follows:

"No. 149. Flora Gott and family, come too late.
Decided against claimant June 18, 1871."

MR. BROWN: Objected to on the grounds that it is not shown that Flora Gott was a party to the action, and the testimony heretofore adduced in the case tends to prove that she was not.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 3rd day of June, 1902.

J. R. Kuntze
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Jan
CR

In the matter of the application of William Mayes, et al.,
for enrollment as Cherokee Freedmen, consolidating the applications
of

William Mayes-----Cherokee Freedmen D 298,
Sherman Bryant-----Cherokee Freedmen D 323,
Minta Nash et al.-----Cherokee Freedmen D 324.

D E C I S I O N

The record herein shows that applications for enrollment,
as Cherokee Freedmen, were made to this Commission by William Mayes,
for himself; by Sherman Bryant, for himself, and by Minta Nash, for
herself and minor child, Gracie Nash. The evidence taken in the case
of Josh Starr, Cherokee Freedmen D 163, is filed with and made a part
of the record herein.

The evidence shows that all of said applicants are descend-
ants of one Flora Gott and, with the exception of William Mayes, also
descendants of one Ephriam Bryant.

The evidence further shows that the said Flora Gott and
Ephriam Bryant were slaves of Cherokee citizens at the beginning of
the war of the rebellion and that, during said war, they were taken
out of the Cherokee Nation and did not return thereto until after
January 19, 1867.

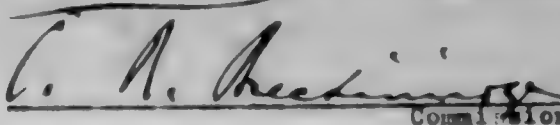
None of the names of the applicants herein are found on the
1850 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the
applications for the enrollment of William Mayes, Sherman Bryant,
Minta Nash and Gracie Nash, as Cherokee Freedmen, should be denied
under the provisions of Section Twenty-one of the Act of Congress
approved June 28, 1892 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this JUL 1 - 1903

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 4 1903

[Handwritten signature]

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Visita S. Oct 4th 1891

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of

William Mays for enrollment as
Freedmen of the Cherokee Nation.

Louis T. Brown Agt

No. F.D. 298

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. William Mayes,

Hudson, I.T.
Cherokee P-11-298
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

F. D. _____

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on _____

by delivering a true copy thereof on the _____ day of _____ A. D. 190__

Given under my hand this _____ day of _____ A. D. 190__

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the _____ day of _____, 190__

Attorney for applicant.

UNITED STATES OF AMERICA, |
INDIAN TERRITORY, | S. S.
NORTHERN DISTRICT. |

I do solemnly swear that I delivered a true copy of the within notice to _____

on the _____ day of _____ A. D. 190__

Subscribed and sworn to before me this _____

DEPARTMENT OF THE INTERIOR, ~~Notary Public.~~
~~COMMISSION TO THE LIVE CIVILIZED INDIANS~~

FILED

SEP 23 1901

NOTICE!

IN THE MATTER OF the application of
for enrollment as Cherokee Freedmen:

Case No. F. D. 298

To

William Moyes, Hudson St.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Pr Gibson Indian Territory, on 23 day of Sept 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept 20, 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

15 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

May 15 - 1901

Post Office

Hudson, S.C.

District

Coo

1. Name William Mayes Age 34

Owner's name

Citizenship

Year Wallace Page 124 No. 2609 District Sagin

Parents:

Father

Jas Mayes - dead

Citizenship

Mother

Gloria Gott - dead

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year Page No. District

Parents:

Father

Doubtful

Citizenship

Mother

Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by

M.D.I.

Stenographer

Wm. W. Weise

On Wallace roll as Wm Mayes.

Cherokee Freedmen
D-298, D-323 &
D-324.

Muskogee, Indian Territory, July 11, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of William Mayes, et al., rejecting the application for the enrollment of William Mayes, Sherman Bryant, and Minta and Gracie Nash, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles

Commissioner in Charge.

Enc. H-58.

COPY.

Cherokee Freedmen
D-298, D-323 &
D-324.

Muskogee, Indian Territory, July 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the consolidated case of William Mayes, et al., including the Commission's decision, dated July 1, 1903, rejecting the application for the enrollment of William Mayes, Sherman Bryant, and Minta and Gracie Nash, as Cherokee Freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-59.

COPY!

Cherokee Freedmen
D-298.

Muskogee, Indian Territory, July 11, 1905.

William Hayes,

Hudson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your Agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings and in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Neekles,

Commissioner in Charge.

Register.

Enc. H-34.

Cherokee Freedmen
D-298, D-525 &
D-524.

Muskogee, Indian Territory, July 11, 1903.

Louis T. Brown,
Agent of William Mayes,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of William Mayes, et al., rejecting, among others, the application for the enrollment of William Mayes. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. D. Needles

Commissioner in Charge.

Register .

Enc. H-57.

Refer in reply to
the following:
LAND.
44284/1903.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Feb. 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission, to the Five Civilized Tribes, dated July 11, 1903, transmitting the record relative to the consolidated case of William Mayes, et al, applicants for enrollment as Cherokee Freedmen.

William Mayes and Sherman Bryant, each apply for the enrollment of himself and Minta Nash applies for the enrollment of herself and her minor child Gracie Nash. All of the applicants are the descendants of Flora Gott.

The record shows that all of the applicants except William Mayes are also the descendants of Ephriam Bryant. Flora Gott and Ephriam Bryant were slaves of Cherokee citizens at the commencement of the war. They were taken out of the Nation during the war and the record does not establish the fact that they returned thereto prior to February 11, 1867. None of their names appear on the 1880 roll.

In view of the record in the case, it is believed that the decision of the Commission of July 1, 1903, adverse to the applicants is correct and its approval is recommended.

Very respectfully,

(Signed) A. C. Tenner,
Acting Commissioner

QAN-H

D C 14382-1904.

COPY

W.C.P.

I. T.D. 1474-1904. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

FHE

May 3, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 11, 1903, you transmitted the record of proceedings had in the consolidated Cherokee freedman case of William Mayes, et al. (D-298, D-323 & D-324), including your decision of July 1, 1903, rejecting the application for the enrollment of William Mayes, Sherman Bryant, and Minta and Gracie Nash.

Reporting in the matter February 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-398.

Muskogee, Indian Territory, May 11, 1904.

William Mayes,

Hudson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 3, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-298.

Muskogee, Indian Territory, May 11, 1904.

Louis T. Brown,
Agent for William Mayes,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, the application for the enrollment of William Mayes as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 3, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-324 D-323 D-298.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, in the consolidated case of Minta Nash et al., rejecting the applications for the enrollment of Minta and Gracie Nash, Sherman Bryant and William Mayes, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 3, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
R-297

Muskogee, Indian Territory, May 28, 1906.

William Mayes,
Hudson, Indian Territory.

Dear Sir:-

You are hereby advised that the motion filed by
your attorneys September 7, 1905, for a review in your Cherokee
freedman enrollment case, was dismissed by the Department
May 2, 1906.

Respectfully,

Commissioner.

LMC

Muskogee, Indian Territory, May 26, 1906.

Blum & Bulger,

Attorneys for Eliza A. Arnold, et al.,
Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

ENC

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

ENC
Incl. C-2

-COPY-

J.P.Jr.

DEPARTMENT OF THE INTERIOR,

LLB.

WASHINGTON.

D.C.22853
I.T.D.1474-1904.
1903-1905.

May 29, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory,

Sir:

On May 3, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes of July 1, 1903, rejecting the application for the enrollment of William Mayes, Sherman Bryant, and Minta and Gracie Nash as Cherokee freedmen.

On February 25, 1905, the attorneys for the applicants transmitted to the Department a motion for review of the decision in said case.

Said motion has been examined, but shows no new matter of fact or law not heretofore considered. Finding no merit in this motion, it is hereby denied.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Cherokee Freedman
R 297

Muskogee, Indian Territory, June 9, 1906

William Mayes,

Hudson, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of May 29, denying a motion filed by your attorneys, Blue and Bulger, for review of your Cherokee Freedman Enrollment case.

Respectfully

IMB

Commissioner

Cherokee Freedman
R 297-298-299

Muskogee, Indian Territory, June 9, 1906

Bell, Hastings & Davenport,
attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

For your information there is herewith enclosed a copy of Departmental letter of May 29, 1906, denying a motion for rehearing in the Cherokee Freedman Enrollment case of William Mayes et al.

Respectfully,

LMB

Commissioner

Encl. B 20

Cherokee Freedmen
R 297-298-299

Muskogee, Indian Territory, June 9, 1906

Blue & Bulger,

Attorneys for William Mayes, et al.

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 29, 1906, in which a motion for review filed by you February 25, 1905, in the Cherokee Freedmen Enrollment cases of William Mayes et al., is denied.

For your information there is enclosed herewith a copy of said letter.

Respectfully,

Commissioner

LMB

Encl. B 19

Cher. Fr. R-298

Cher. Fr. R-298

See Cher. Fr. 297-9

To be filed in case of Sherman Bryant.

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I. T., May 15th, 1901.

In the matter of the application of William Mayes for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles testified as follows:

Q What is your name? A William Mayes.
Q How old are you? A 34.
Q What is your post office address? A Hudson.
Q What district do you live in? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Are you a recognized Cherokee Freedman? A My mother is said to be.
Q Who do you want to have enrolled besides yourself? A Just myself.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A Yes sir.
Q What roll? A Wallace.
Q Did you draw your strip money? A Yes sir.
Q What is your fathers name? A John Mayes.
Q Is she living? A No sir.
Q What is your mothers name? A Flora Gott.
Q Is she living? A No sir.
Q You say your mothers name is on the roll of 1880? A No sir I didn't say it was.
Q Were you a born slave? A No sir.
Q Was your mother a slave? A Yes sir.
Q Who did she belong to? A John Gott.
Q Was your mother taken out of the Cherokee Nation during the war? I dont know.
Q Do you know if she came backin 1866? A No sir I dont.

Arthur Bean called and sworn as a witness by Com'r Needles, testified as follows on the part of the applicant:

Q What is your name? A Arthur Bean.
Q What is your age? A 58.
Q What is your postoffice address? A Vinita.
Q Are you a recognized Cherokee Freedman? A Yes sir.
Q Do you know William Mayes? A Yes sir.
Q Did you know his mother? A Yes sir.
Q What was her name? A Flora Gott.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A John Gott.
Q Was he a Cherokee Indian? A Yes sir.
Q Was she taken out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A South.
Q Whereabouts south? A In the Choctaw Nation.
Q When did she return to the Cherokee Nation? A I dont know.
Q Where was she in '66? A In Flint.
Q In the Cherokee Nation? A Yes sir.
Q How do you know she was? A I heard she was in that district then and had got this boy.
Q Where was you living then? A On this side of Grand River in Saline.
Q Did she ever come to your place with this boy? A Yes sir.
Q What year was that she came to your place? A In '67.
Q You dont know exactly what time the mother came to the Cherokee Nation? A No sir.
Q Has this boy lived in the Cherokee Nation ever since you saw him first? A Yes sir.
Q He was a child then? A Yes sir.
Q Was he a child when he was taken out of the Cherokee Nation? A I dont think he was borned then yet when the war was going on; I know she drawed that first money for him and her—the Bread money.

By L. B. Bell, Cherokee attorney:

William Mayes - 2.

- Q That was paid in '75 wasn't it? A Yes sir.
Q You never knew this boys folks when they belonged to Gott did you?
A Yes sir.
Q Where at did you know them? A On Flint. This boys Grandmother was my sister.
Q Where did you live in '61? A On Grand river in Saline.
Q How do you know this boy's Grandmother was your sister? A I was told so by my father.
Q You know nothing of them previous to '67? A No sir.

Applicant recalled, and examined by Commissioner:

- Q Do you know where you were born? A In Flint District said to be.
Q How long has your mother been dead? A About 20 years.

Amy Bean called and sworn as a witness, testified as follows on the part of the applicant:

- Q What is your name? A Amy Bean.
Q What is your age? A 45.
Q What is your post office address? A Vinita.
Q Are you a Cherokee citizen? A Yes sir.
Q Recognized as such? A Yes sir.
Q Do you know the applicant here? A Yes sir.
Q How long have you known him? A Ever since he was small.
Q Do you know where he was born? A No sir.
Q Did you know his father? A No sir.
Q Did you know his mother? A Yes sir.
Q Who was she? A Flora Gott.
Q Was she a slave? A I dont know, I guess she was.
Q When did you first see William Mayes? A On Grand River.
Q In what year? A I dont know, dont remember exactly the year.
Q You say you knew his mother? A Yes sir.
Q Was she taken out of the Cherokee Nation during the war? A I dont know.
Q You never got acquainted with William and his mother until after the war? A No sir.
Q In what year? A Dont know the year.
Q Dont know if it was in '66, '7 or '8? A No sir, it might have been in '67.

Joe Bean called and sworn as a witness by Commissioner T. B. Needles, testified as follows on the part of the applicant:

- Q What is your name? A Joe Bean.
Q How old are you? A 55.
Q What is your post office address? A Spavinaw.
Q Do you know the applicant? A Yes sir.
Q How long have you known him? A Ever since he was a baby.
Q Where was he born? A I cannot tell that, his mother brought him to my house when he was a baby.
Q What year? A I disremember the year.
Q What was his mother's name? A Flora Gott.
Q You don't know what year they came to your place? A No sir, but his mother drewed the \$10.00 payment.
Q Was his mother a slave? A Yes sir.
Q Who did she belong to? A Gott.
Q Was he a Cherokee citizen? A Yes sir.
Q Was his mother taken out of the Cherokee Nation during the war?
A Yes sir, she went to Texas.
Q Do you know when she returned? A No sir I dont know just when she did.
Q You dont know if William was born after she returned from Texas or not? A No sir.
Q Was she sold in Texas that you knew of? A No sir, she said that her owner brought her back.

By L. B. Bell:

William Mayes 3.

- Q Did she live with you after she came back? A Yes sir.
Q How do you know that she went south? A She told me so.
Q Who did you say she belong to? A Gott.
Q You only know that from what she told you? A Yes sir.

Applicant recalled and examined by Commissioner:

- Q Did you draw your strip money? A No sir.
Q Get your Wallace money? A Yes sir.

Tobe Bean, called and sworn as a witness by Com'r Needles, testified as follows on the part of the applicant:

- Q What is your name? A Tobe Bean.
Q How old are you? A 63.
Q What is your post office address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A No sir they dont recognize me.
Q Do you know the applicant here? A Yes sir.
Q Did you know his mother? A Yes sir Flora.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A John Gott.
Q Did she go out of the Cherokee Nation during the war? A She said she went south with Mr. Gott.
Q Do you know when she got back? A No sir.
Q Do you know where this boy was born? A She said he was born in Flint.

The 1880, 1896 and Kerns Clifton rolls of the Cherokee Nation examined and the name of the applicant not found thereon.

The Wallace roll of the Cherokee Nation examined and the applicant identified thereon as follows:
Page 124, No. 2809, William Mayes, Saline district.

By Com'r Needles,-

William Mayes applies for the enrollment of himself; he is not found on the authenticated roll of 1880, the census roll of 1896 or the Kerns Clifton roll, but he is found on the Wallace roll; he is duly identified, and avers that he is the child of John Mayes by his wife Flora Gott. By reason of his name not appearing on the 1880 roll his enrollment is contested by the Cherokee Nation and he will be listed for enrollment on a doubtful card to await the further consideration of the Commission.

He will be notified by mail when a conclusion is reached in his case.

Chas. von Weisse, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the above is a full true and correct transcript of his stenographic notes therein.

Chas. von Weisse.

Subscribed and sworn to before me this the 20th of May, 1901 at
Vinita, I. T.

T. B. Needles,
Commissioner.

William Mayer 4.

The undersigned, being duly sworn, says as stenographer to the Commission to the Five Civilized Tribes that the above and foregoing is a true and correct copy of the original.

Subscribed and sworn to before me this 10th day of July, 1901.


Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 16, 1901.

In the matter of the application of Sherman Bryant for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Sherman Bryant.
Q How old are you? A I am about 35 years old.
Q What is your postoffice address? A Hudson.
Q What district do you live in? A Oooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee Nation as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A I don't think it is.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes sir.
Q What rolls? A On the Clifton Roll.
Q Who do you want to enroll besides yourself? A Just myself.
Q What is your father's name? A Ephraim Bryant.
Q Is he living? A No sir, he is dead.
Q What is your mother's name? A Flora.
Q Is she living? A No sir, she is dead.
Q Are you married? A No sir.
Q Where were you born? A I was born in the Cherokee Nation.
Q Always lived in the Cherokee Nation? A Yes sir.
Q Was your father a slave? A Yes sir.
Q Your mother? A Yes sir.
Q What proof have you got of it? Have you got anybody here that knew your father and mother? A Yes sir.
Q Who is it? A Amy Bean, Joe Bean.

Amy Bean, being sworn and examined by Commissioner T.B. Needles, testified as follows:

- Q Is your name Amy Bean? A Yes sir.
Q How old are you? A 45.
Q What is your postoffice? A Vinita.
Q Do you know the applicant here, Sherman Bryant? A Yes sir.
Q Do you know his father? A Yes sir.
Q What was his name? A Ephraim Bryant.
Q Did you know his mother? A Flora Bryant.
Q Were they slaves before the war? A Yes sir, I guess they were; I don't know their owner. He is the brother of William Hayes.
Q Who is he a brother of? A William Hayes, he belonged to the Gotta. They had the same mother.
Commissioner of Applicant: What was the boy's name? A William Hayes.
Q You say you are a half brother? A Yes sir.
Q The same mother? A Yes sir, same mother.
Amy Bean recalled: Who did his mother belong to, do you know? A She belonged to Gotta.
Q Was she taken out during the war, do you know? A No sir, I don't know.
Q You don't know when she come back? A No sir, I don't know exactly the year she come back in.

Joe Bean, being sworn and examined by Commissioner Needles, testified as follows:

- Q Is your name Joe Bean? A Yes sir.
Q Your age? A 34.
Q What is your postoffice? A Spavinaw.
Q Do you know Sherman Bryant, the applicant? A Yes sir.
Q Do you know his mother? A Yes sir.
Q What was her name? A Flora Gotta.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A She belonged to Gotta.
Q Was she taken out during the war? A Yes sir.
Q Where to? A She went South.
Q You know how far South? A No sir.
Q Do you know when she come back? A No sir, I can't testify when she come back. She has been enrolled as a citizen of the Cherokee on the \$10.00 payment.

2- S. B.

Q Is her name on the roll of 1880? A I don't know sir; she lived at my house at that time.

L. B. Bell: You don't know whether she was taken out or not? A Not only what she said.

Q You don't know anything about her until you saw her after the war? A No sir.

Commissioner: You don't know when she come back? A No sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant, nor that of his mother, are found thereon.

The Kerns Clifton Roll examined and the name of the applicant is found on page 113, No. 2815, Sherman Bryant, Illinois District.

Joe Bean, recalled:

Q Who did his father belong to? A Joel Bryant.

Q Was his father taken out, do you know? A Yes sir, his father went out.

Q You don't know when his father come back? A No sir.

Q Did you ever know his father after the war? A Yes sir.

Q You never saw his father in '68 or '67? A No sir, I don't remember of seeing his father in '66.

Sherman Bryant applies for the enrollment of himself. His name is not found upon the authenticated roll of 1880, but is duly identified upon the Kerns Clifton Roll. He avers that he is the son of Ephraim Bryant and Flora Bryant, and make satisfactory proof as to his residence, but makes no satisfactory proof of his identification; consequently, he will be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further action by the Commission. When the Commission reaches the conclusion of his case, he will be notified by mail. Reference is made to D Card 298, in the application for the enrollment of his half brother, William Mayes, which will be made a part of the record in this case.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of May, 1901.

E. V. D. [Signature]
Commissioner.

File with case of Sherman Bryant, C.F.-D.#323.

Supl C.F.-D.#298.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 23d, 1901.

In the matter of the application for enrollment as a Cherokee Freedman of William Mayes, the following supplemental testimony is offered on the part of the Cherokee Nation:

APPEARANCES:

Mr. W. W. Hastings, for Cherokee Nation;

Proof of service of notice on the said applicant has been filed, but applicant fails to appear in person or by Attorney.

WILLIAM GOTT, being duly sworn by Commissioner Needles, testified as follows:

- MR. HASTINGS: What is your name? A William Gott.
- Q What is your post office? A Stilwell.
- Q What is your age? A 61.
- Q Are you a Cherokee citizen? A Yes, sir.
- Q What is your father's name? A John Gott.
- Q Is he alive? A Yes, sir.
- Q Did you or your people own a slave before the war by the name of Flora? A Yes, sir.
- Q Did you own her at the time the war came up? A Yes, sir.
- Q Where did she go during the war? A Werefugeed south to Red river.
- Q Did you take her with you? A Yes, sir.
- Q What became of her, did you leave her down there, or she came back? A I brought her back when I came back.
- Q When did you bring her back? A I brought her back in the latter part of the fall of '67.
- Q Latter part of the fall of '67? A Yes, sir.
- COM'R NEEDLES: Did you know her after that? A After I brought her back here.
- Q Yes? A Yes, sir, only a short while though.
- Q Did you know any of her children? A No, sir, well, now, I met this young man, I don't know him.
- Q You don't know what he is her child? A No, sir.
- Q Don't know where he was born? A No, sir, I do not.
- Q I understand you to say that Flora never returned to the Cherokee Nation until the fall of 1867? A Yes, sir.
- Q Was she with you and your family all that time? A Yes, sir.
- Q You held her there as a slave? A Yes, sir, until she was freed.
- Q When did you consider she was freed? A '65.
- Q You didn't hold her as a slave after '65? A No, sir; but she remained with us.
- Q And come back with you? A Yes, sir.

MARK BEAN, being duly sworn by Commissioner Needles, testified as follows.

- MR. HASTINGS: What is your name? A Mark Bean.
- Q What is your age? A 58.
- Q What is your postoffice? A Evansville, Arkansas.
- Q Do you know this other witness here, William Gott?
- Q Did you know his father, John? A Yes, sir.
- Q Did you know a slave that they owned by the name of Flora?
- A Yes, sir.
- Q Do you know when this witness, William Gott, son of John Gott, returned to the Cherokee Nation after the war? A No, I don't know just when he returned; he came back in the summer of '67 with my

brother and wrote for me to come down and I met him at Colbert's in the summer of '67.

COM'R NEEDLES: Where is Colbert? A Choctaw Nation.

Q You met Mr. Gott there in '67? A Yes, sir.

Q Was he enroute then from Red river to the Cherokee Nation?

A Yes, sir.

Q You are satisfied it was in '67? A Yes, sir.

WILLIAM GOTT, recalled, further testified:

COM'R NEEDLES: Are you certain you didn't return to the Cherokee Nation until 1867? A When Mr. Bean met us I came with his brother to this country just alone, that was in '67; I returned in the fall and brought my sister and she owned this family of darkies.

Q Where were you, how far south did you go? A I went to Red river.

Q In the Choctaw nation? A Yes, sir, I lived right there at Doaksville.

Q I understand that Flora never went out of the Indian Territory during the war, that was with you all the time in the Choctaw Nation? A Yes, sir, she never went out of the Territory.

Q She returned to the Cherokee Nation from the Choctaw Nation?

A Yes, sir.

Q Your family with her didn't go into the states? A No, sir.

Q About what part of the Choctaw Nation was it, Mr. Gott, was it right on Red river? A It is near Doaksville, it is near Red river.

Mr. Hastings: Their representatives of the Cherokee Nation desire to introduce part of the record taken from a book marked: "Docket of doubtful cases for Cherokee citizenship; tried in 1871; upon which appears the following:

"No. 149. Flora Gott and family; decided against Claimant; came too late:" Date June 16th, 1871.

Com'r Needles of Mr. Hastings: What book is that? A Record of the Supreme Court of the Cherokee Nation.

Q Supreme Court of the Cherokee Nation? A Yes, sir.

Com'r Needles: By request of the Attorney for Cherokee Nation this testimony will be filed in the case of Sherman Bryant, D.#323, and in case of Minta Nash D.#324.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this September 23d, 1901.

C. R. Buckminster

Commissioner.

File with case of Sherman Bryant, C.F.-D.#323.

Supl C.F.-D.#298.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 23d, 1901.

In the matter of the application for enrollment as a Cherokee Freedman of William Mayes, the following supplemental testimony is offered on the part of the Cherokee Nation:

APPEARANCES:

Mr. W. W. Hastings, for Cherokee Nation;

Proof of service of notice on the said applicant has been filed, but applicant fails to appear in person or by Attorney.

WILLIAM GOTT, being duly sworn by Commissioner Needles, testified as follows:

- MR. HASTINGS: What is your name? A William Gott.
- Q What is your post office? A Stilwell.
- Q What is your age? A 61.
- Q Are you a Cherokee citizen? A Yes, sir.
- Q What is your father's name? A John Gott.
- Q Is he alive? A Yes, sir.
- Q Did you or your people own a slave before the war by the name of Flora? A Yes, sir.
- Q Did you own her at the time the war came up? A Yes, sir.
- Q Where did she go during the war? A Werefugeed south to Red river.
- Q Did you take her with you? A Yes, sir.
- Q What became of her, did you leave her down there, or she came back? A I brought her back when I came back.
- Q When did you bring her back? A I brought her back in the latter part of the fall of '67.
- Q Later part of the fall of '67? A Yes, sir.
- COM'R NEEDLES: Did you know her after that? A After I brought her back here.
- Q Yes? A Yes, sir, only a short while though.
- Q Did you know any of her children? A No, sir, well, now, I met this young man, I don't know him.
- Q You don't know that he is her child? A No, sir.
- Q Don't know where he was born? A No, sir, I do not.
- Q I understand you to say that Flora never returned to the Cherokee Nation until the fall of 1867? A Yes, sir.
- Q Was she with you and your family all that time? A Yes, sir.
- Q You held her there as a slave? A Yes sir, until she was freed.
- Q When did you consider she was freed? A '65.
- Q You didn't hold her as a slave after '65? A No, sir, but she remained with us.
- Q And come back with you? A Yes, sir.

MARK BEAN, being duly sworn by Commissioner Needles, testified as follows.

- MR. HASTINGS: What is your name? A Mark Bean.
- Q What is your age? A 68.
- Q What is your postoffice? A A Evansville, Arkansas.
- Q Do you know this other witness here, William Gott?
- Q Ed, you know his father, John? A Yes, sir.
- Q Did you know a slave that they owned by the name of Flora?
- A Yes, sir.
- Q Do you know when this witness, William Gott, son of John Gott, returned to the Cherokee nation after the war? A No, I don't know just when he returned; he came back in the summer of '67 with my

brother and wrote for me to come down and I met him at Colbert's in the summer of '67.

COM'R NEEDLES: Where is Colbert? A Chocotaw Nation.

Q You met Mr. Gott there in '67? A Yes, sir.

Q Was he enroute then from Red river to the Cherokee Nation?

A Yes, sir.

Q You are satisfied it was in '67? A Yes, sir.

WILLIAM GOTT, recalled, further testified:

COM'R NEEDLES: Are you certain you didn't return to the Cherokee Nation until 1867? A When Mr. Bean met us I came with his brother to this country just alone, that was in '67; I returned in the fall and brought my sister and she owned this family of darkies.

Q Where were you, how far south did you go? A I went to Red river.

Q In the Chocotaw nation? A Yes, sir, I lived right there at Doaksville.

Q I understand that Flora never went out of the Indian Territory during the war, that was with you all the time in the Chocotaw Nation? A Yes, sir, she never went out of the Territory.

Q She returned to the Cherokee Nation from the Chocotaw Nation?

A Yes, sir.

Q Your family with her didn't go into the states? A No, sir.

Q About what part of the Chocotaw Nation was it, Mr. Gott, was it right on Red river? A It is near Doaksville, it is near Red river.

Mr. Hastings: The representatives of the Cherokee Nation desire to introduce part of the record taken from a book marked: "Docket of doubtful cases for Cherokee citizenship; tried in 1871;" upon which appears the following:

"No. 149. Flora Gott and family; decided against Claimant; came too late:" Date June 16th, 1871.

Com'r Needles of Mr. Hastings: What book is that? A Record of the Supreme Court of the Cherokee Nation.

Q Supreme Court of the Cherokee Nation? A Yes, sir.

Com'r Needles: By request of the Attorney for Cherokee Nation this testimony will be filed in the case of Sherman Bryant, D.#323, and in case of Minta Nash D.#324.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this September 23d, 1901.

C. R. Bucknizer

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Mayes, et al.,
for enrollment as Cherokee Freedmen, consolidating the applications
of

William Mayes-----Cherokee Freedmen D 298,
Sherman Bryant-----Cherokee Freedmen D 323,
Minta Nash et al.-----Cherokee Freedmen D 324.

D E C I S I O N

The record herein shows that applications for enrollment,
as Cherokee Freedmen, were made to this Commission by William Mayes,
for himself; by Sherman Bryant, for himself, and by Minta Nash, for
herself and minor child, Gracie Nash. The evidence taken in the case
of Josh Starr, Cherokee Freedmen D 163, is filed with and made a part
of the record herein.

The evidence shows that all of said applicants are descend-
ants of one Flora Gott and, with the exception of William Mayes, also
descendants of one Ephriam Bryant.

The evidence further shows that the said Flora Gott and
Ephriam Bryant were slaves of Cherokee citizens at the beginning of
the war of the rebellion and that, during said war, they were taken
out of the Cherokee Nation and did not return thereto until after
January 19, 1867.

None of the names of the applicants herein are found on the
1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the
applications for the enrollment of William Mayes, Sherman Bryant,
Minta Nash and Gracie Nash, as Cherokee Freedmen, should be denied
under the provisions of Section Twenty-one of the Act of Congress
approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Birby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory.

JUL 1 - 1903

this

F. D. 323

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
1 day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of , 190

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 23 1901

H. A. H.

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of
for enrollment as Cherokee Freedmen:

Case No. F. D. 323

To

Sherman Bryant Hudson Jr.
You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United

States Commission to the Five Civilized Tribes in the town of *At Gibson*
Indian Territory, on *23 day of Sept 1901* at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *Sept 20, 1901*

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Sherman Bryant,

Madison, I. T.

Cherokee, F-D-325.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 16 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 16, 1901
 Post Office Hudson St.
 District Commerceville

1. Name Sherman Bryant Age 23
 Owner's name _____ Citizenship _____
 Year 1896 Page 113 No. 2515 District Illinois

Parents:

Father Phileas Bryant - dead Citizenship _____
 Mother Flora " " - dead Citizenship _____

2. Name of wife _____ Age _____
 Owners name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father Doubtful Citizenship _____
 Mother _____ Citizenship _____

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Doubtful

Application made by

No. 11

Stenographer

E. Rotherberger

X Ref. V298

COPY.

Cherokee Freedmen
D-323.

Muskogee, Indian Territory, July 11, 1903.

Sherman Bryant,

Hudson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee Freedman, together with a copy of the Commission's decision, dated July 1, 1903, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register.

Enc. H-55.

Cherokee Freedmen
D-298, D-323 &
D-324.

Muskogee, Indian Territory, July 11, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of William Mayes, et al., rejecting the application for the enrollment of William Mayes, Sherman Bryant, and Minta and Gracie Nash, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Neesles

Commissioner in Charge.

Enc. H-58.

COPY.

Cherokee Freedmen
D-298, D-323 &
D-324.

Muskegee, Indian Territory, July 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the consolidated case of William Hayes, et al., including the Commission's decision, dated July 1, 1903, rejecting the application for the enrollment of William Hayes, Sherman Bryant, and Minta and Gracie Nash, as Cherokee Freedmen.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-59.

Refer in reply to
the following:
LAND.
44284/1903.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Feb. 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated July 11, 1903, transmitting the record relative to the consolidated case of William Mayes, et al, applicants for enrollment as Cherokee Freedmen.

William Mayes and Sherman Bryant, each apply for the enrollment of himself and Minta Nash applies for the enrollment of herself and her minor child Gracie Nash. All of the applicants are the descendants of Flora Gott.

The record shows that all of the applicants except William Mayes are also the descendants of Ephriam Bryant. Flora Gott and Ephriam Bryant were slaves of Cherokee citizens at the commencement of the war. They were taken out of the Nation during the war and the record does not establish the fact that they returned thereto prior to February 11, 1867. None of their names appear on the 1880 roll.

In view of the record in the case, it is believed that the decision of the Commission of July 1, 1903, adverse to the applicants is correct and its approval is recommended.

Very respectfully,

(Signed) A. C. Tenner,
Acting Commissioner.

GAW-H

D C 14382-1904.

COPY

W.C.F.

I. D.D. 1474-1904. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

FHE

May 3, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 11, 1903, you transmitted the record of proceedings had in the consolidated Cherokee freedman case of William Mayes, et al. (D-298, D-323 & D-324), including your decision of July 1, 1903, respecting the application for the enrollment of William Mayes, Sherman Bryant, and Minta and Gracie Nash.

Reporting in the matter February 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-323.

Muskogee, Indian Territory, May 11, 1904.

Sherman Bryant,
Hudson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 3, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-324 D-323 D-298.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, in the consolidated case of Minta Nash et al., rejecting the applications for the enrollment of Minta and Gracie Nash, Sherman Bryant and William Mayes, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 3, 1904.

Respectfully,

Chairman.

-COPY-

J.P.Jr.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

D.C.22183
I.T.D.1474-1904.
1983-1905.

May 29, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On May 3, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes of July 1, 1903, rejecting the application for the enrollment of William Mayes, Sherman Bryant, and Minta and Gracie Nash as Cherokee freedmen.

On February 25, 1905, the attorneys for the applicants transmitted to the Department a motion for review of the decision in said case.

Said motion has been examined, but shows no new matter of fact or law not heretofore considered. Finding no merit in this motion, it is hereby denied.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Cherokee Freedman
R 298

Muskogee, Indian Territory, June 9, 1906

Sherman Bryant,

Hudson, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of May 29, denying a motion filed by your attorneys, Blue and Bulger, for review of your Cherokee Freedman Enrollment case.

Respectfully,

IMB

Commissioner

Cherokee Freedman
R 297-298-299

Muskogee, Indian Territory, June 9, 1906

Bell, Hastings & Davenport,
attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

For your information there is herewith enclosed a copy of Departmental letter of May 29, 1906, denying a motion for rehearing in the Cherokee Freedman Enrollment case of William Mayes et al.

Respectfully,

IMB

Commissioner

Encl. B 20

Cherokee Freedmen
R 297-298-299

Muskogee, Indian Territory, June 9, 1906

Blue & Bulger,

Attorneys for William Mayes, et al.

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 29, 1906, in which a motion for review filed by you February 23, 1905, in the Cherokee Freedmen Enrollment cases of William Mayes et al., is denied.

For your information there is enclosed herewith a copy of said letter.

Respectfully,

Commissioner

IMB

Encl. B 19

Cher.Fr. R-299

Cher.Fr. R-299

See Cher.Fr. R-297-8

To be filed in case of Minta Nash et al.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 15th, 1901.

In the matter of the application, of William Mayes for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles testified as follows:

- Q What is your name? A William Mayes.
Q How old are you? A 34.
Q What is your post office address? A Hudson.
Q What district do you live in? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Are you a recognized Cherokee Freedman? A My mother is said to be
Q Who do you want to have enrolled besides yourself? A Just myself.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A Yes sir.
Q What roll? A Wallace.
Q Did you draw your strip money? A Yes sir.
Q What is your father's name? A John Mayes.
Q Is he living? A No sir.
Q What is your mother's name? A Flora Gott.
Q Is she living? A No sir.
Q You say your mother's name is on the roll of 1880? A No sir I didn't say it was.
Q Were you a born slave? A No sir.
Q Was your mother a slave? A Yes sir.
Q Who did she belong to? A John Gott.
Q Was your mother taken out of the Cherokee Nation during the war?
A I don't know.
Q Do you know if she came back in 1866? A No sir I dont.

Arthur Bean called and sworn as a witness by Com'r Needles, testified as follows on the part of the applicant:

- Q What is your name? A Arthur Bean.
Q What is your age? A 58.
Q What is your post office address? A Vinita.
Q Are you a recognized Cherokee Freedman? A Yes sir.
Q Do you know William Mayes? A Yes sir.
Q Did you know his mother? A Yes sir.
Q What was her name? A Flora Gott.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A John Gott.
Q Was he a Cherokee Indian? A Yes sir.
Q Was she taken out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A South.
Q Whereabouts south? A In the Choctaw Nation.
Q When did she return to the Cherokee Nation? A I dont know.
Q Where was she in '66? A In Flint.
Q In the Cherokee Nation? A Yes sir.
Q How do you know she was? A I heard she was in that district then. and had got this boy.
Q Where was she living then? A On this side of Grand river in Saline.
Q Did she ever come to your place with this boy? A Yes sir.
Q What year was that she came to your place? A In '67.
Q You dont know exactly what time the mother came to the Cherokee Nation? A No sir.
Q Has this boy lived in the Cherokee Nation ever since you saw him first? A Yes sir.
Q He was a child then? A Yes sir.
Q Was he a child when he was taken out of the Cherokee Nation? A I dont think he was borned then yet when the war was going on; I know she drawed that first money for him and her—the Bread money.

By L. B. Bell, Cherokee attorney:

William Mayes - 3.

- Q That was paid in '75 wasn't it? A Yes sir.
Q You never knew this boys folks when they belonged to Gott did you? A Yes sir.
Q Where at did you know them? A On Flint. This boys Grandmother was my sister.
Q Where did you live in '61? A On Grand river in Saline.
Q How do you know this boy's Grandmother was your sister? A I was told so by my father.
Q You know nothing of them previous to '67? A No sir.

Applicant recalled and examined by Commissioner:

- Q Do you know where you were born? A In Flint District said to be.
Q How long has your mother been dead? A About 20 years.

Amy Bean called and sworn as a witness, testified as follows on the part of the applicant:

- Q What is your name? A Amy Bean.
Q What is your age? A 45.
Q What is your postoffice address? A Vinita.
Q Are you a Cherokee citizen? A Yes sir.
Q Recognized as such? A Yes sir.
Q Do you know the applicant here? A Yes sir.
Q How long have you known him? A Ever since he was small.
Q Do you know where he was born? A No sir.
Q Did you know his father? A No sir.
Q Did you know his mother? A Yes sir.
Q Who was she? A Flora Gott.
Q Was she a slave? A I dont know, I guess she was.
Q When did you first see William Mayes? A On Grand river.
Q In what year? A I dont know, dont remember exactly the year.
Q You say you knew his mother? A Yes sir.
Q Was she taken out of the Cherokee Nation during the war? A I dont know.
Q You never got acquainted with William and his mother until after the war? A No sir.
Q In what year? A Dont know the year.
Q Dont know if it was in '66, '7 or '8? A No sir, it might have been in '67.

Joe Bean called and sworn as a witness by Commissioner T. B Needles, testified as follows on the part of the applicant:

- Q What is your name? A Joe Bean.
Q How old are you? A 55.
Q What is your post office address? A Spavinaw.
Q Do you know the applicant? A Yes sir.
Q How long have you known him? A Ever since he was a baby.
Q Where was he born? A I cannot tell that, his mother brought him to my house when he was a baby.
Q What year? A I disremember the year.
Q What was his mother's name? A Flora Gott.
Q You dont know what year they came to your place? A No sir, but his mother drew the \$10.00 payment.
Q Was his mother a slave? A Yes sir.
Q Who did she belong to? A Gott.
Q Was he a Cherokee citizen? A Yes sir.
Q Was his mother taken out of the Cherokee Nation during the war? A Yes sir, she went to Texas.
Q Do you know when she returned? A No sir I dont know just when she did.
Q You dont know if William was born after she returned from Texas or not? A No sir.
Q Was she sold in Texas that you know of? A No sir she said that her owner brought her back.

By L. F. Bell:

William Mayes:3.

- Q Did she live with you after she came back? A Yes sir.
Q How do you know that she went south? A She told me so.
Q Who did you say she belong to? A Gott.
Q You only know that from what she told you? A Yes sir.

Applicant recalled and examined by Commissioner:

- Q Did you draw your strip money? A No sir.
Q Get your Wallace money? A Yes sir.

Tobe Bean, called and sworn as a witness by Com'r Needles, testified as follows on the part of the applicant:

- Q What is your name? A Tobe Bean.
Q How old are you? A 63.
Q What is your post office address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A No sir they dont recognize me.
Q Do you know the applicant here? A Yes sir.
Q Did you know his mother? A Yes sir Flora.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A John Gott.
Q Did she go out of the Cherokee Nation during the war? A She said she went south with Mr. Gott.
Q Do you know when she got back? A No sir.
Q Do you know where this boy was born? A She said he was born in Flint.

The 1880, 1896 and Kerns Clifton rolls of the Cherokee Nation examined and the name of the applicant not found thereon.

The Wallace roll of the Cherokee Nation examined and the applicant identified thereon as follows:

Page 124, No. 2609, William Mayes, Saline district.

By Com'r Needles,-

William Mayes applies for the enrollment of himself; he is not found on the authenticated roll of 1880, the census roll of 1896 or the Kerns Clifton roll, but he is found on the Wallace roll; he is duly identified, and avers that he is the child of John Mayes by his wife Flora Gott. By reason of his name not appearing on the 1880 roll his enrollment is contested by the Cherokee Nation and he will be listed for enrollment on a doubtful card to await the further consideration of the Commission. He will be notified by mail when a conclusion is reached in his case.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the above is a full true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 20th of May, 1901 at Vinita, I.T.

T. B. Needles,
Commissioner.

William Hayes: 4.

The undersigned, being duly sworn says as stenographer to the Commission to the Five Civilized Tribes that the above and foregoing is a true and correct ~~transcription~~ copy of the original.

Subscribed and sworn to before me this 10th day of July 1907.


Commissioner.

To be filed in case of Minta Nash et al.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 16, 1901.

In the matter of the application of Sherman Bryant for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sherman Bryant.
Q How old are you? A I am about 23 years old.
Q What is your postoffice address? A Hudson.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee Nation as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A I don't think it is.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes sir.
Q What rolls? A On the Clifton Roll.
Q Who do you want to enroll besides yourself? A Just myself.
Q What is your father's name? A Ephraim Bryant.
Q Is he living? A No sir, he is dead.
Q What is your mother's name? A Flora.
Q Is she living? A No sir, she is dead.
Q Are you married? A No sir.
Q Where were you born? A I was born in the Cherokee Nation.
Q Always lived in the Cherokee Nation? A Yes sir.
Q Was your father a slave? A Yes sir.
Q Your mother? A Yes sir.
Q What proof have you got of it? Have you got anybody here that knew your father and mother? A Yes sir.
Q Who is it? A Amy Bean, Joe Bean.

Amy Bean, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q Is your name Amy Bean? A Yes sir.
Q How old are you? A 45.
Q What is your postoffice? A Vinita.
Q Do you know the applicant here, Sherman Bryant? A Yes sir.
Q Do you know his father? A Yes sir.
Q What was his name? A Ephraim Bryant.
Q Did you know his mother? A Flora Bryant.
Q Were they slaves before the war? A Yes sir, I guess they were.
Q I don't know their owner. He is the brother of William Hayes.
Q Who is he a brother of? A William Hayes, he belonged to the Gots. They had the same mother.
Q Commissioner of Applicant: What was the boy's name? A William Hayes.
Q You say you are a half brother? A Yes sir.
Q The same mother? A Yes sir, same mother.
Q Amy Bean recalled: Who did his mother belong to, do you know? A She belonged to Gott.
Q Was she taken out during the war, do you know? A No sir, I don't know.
Q You don't know when she come back? A No sir, I don't know exactly the year she come back in.

Joe Bean, being sworn and examined by Commissioner Needles, testified as follows:

Q Is your name Joe Bean? A Yes sir.
Q Your age? A 54.
Q What is your postoffice? A Spavinaw.
Q Do you know Sherman Bryant, the applicant? A Yes sir.
Q Do you know his mother? A Yes sir.
Q What was her name? A Flora Gott.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A She belonged to Gott.
Q Was she taken out during the war? A Yes sir.
Q Where did she go? A She went South.

2- S. B.

Q You know how far South? A No sir.

Q Do you know when she come back? A No sir, I can't testify when she come back. She has been enrolled as a citizen of the Cherokees on the \$10.00 payment.

Q Is her name on the roll of 1880? A I don't know sir; she lived at my house at that time.

L. B. Bell: You don't know whether she was taken out or not? A Not only what she said.

Q You don't know anything about her until you saw her after the war? A No sir.

Commissioner: You don't know when she come back? A No sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant, nor that of his mother, are found thereon.

The Kerns Clifton Roll examined and the name of the applicant is found on page 115, No. 2815, Sherman Bryant, Illinois District.

Joe Bean, recalled:

Q Who did his father belong to? A Joel Bryant.

Q Was his father taken out, do you know? A Yes sir, his father went out.

Q You don't know when his father come back? A No sir.

Q Did you ever know his father after the war? A Yes sir.

Q You never saw his father in '66 or '67? A No sir, I don't remember of seeing his father in '66.

Sherman Bryant applies for the enrollment of himself. His name is not found upon the authenticated roll of 1880, but is duly identified upon the Kerns Clifton Roll. He avers that he is the son of Ephraim Bryant and Flora Bryant, and make satisfactory proof as to his residence, but makes no satisfactory proof of his identification; consequently, he will be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further action by the Commission. When the Commission reaches the conclusion of his case, he will be notified by mail. Reference is made to B Card 298, in the application for the enrollment of his half brother, William Mayes, which will be made a part of the record in this case.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case; and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of July, 1901.

Commissioner.

File with case of Minta Nash, C.F.-D.#324.

Supp. C.F.-D.#298.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 23d, 1901.

In the matter of the application for enrollment as a Cherokee Freedman of William Mayes, the following supplemental testimony is offered on the part of the Cherokee Nation:

APPEARANCES:

Mr. W. W. Hastings, for Cherokee Nation;

Proof of service of notice on the said applicant has been filed, but applicant fails to appear in person or by Attorney.

WILLIAM GOTT, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A William Gott.

Q What is your post office? A Stilwell.

Q What is your age? A 61.

Q Are you a Cherokee citizen? A Yes, sir.

Q What is your father's name? A John Gott.

Q Is he alive? A Yes, sir.

Q Did you or your people own a slave before the war by the name of Flora? A Yes, sir.

Q Did you own her at the time the war came up? A Yes, sir.

Q Where did she go during the war? A We refugeed south to Red River.

Q Did you take her with you? A Yes, sir.

Q What became of her; did you leave her down there, or she came back? A I brought her back when I came back.

Q When did you bring her back? A I brought her back in the latter part of the fall of '67.

Q Latter part of the fall of '67? A Yes, sir.

COM'R NEEDLES: Did you know her after that? A After I brought her back here?

Q Yes? A Yes, sir, only a short while though.

Q Did you know any of her children? A No, sir; well, now, I met this young man, I don't know him.

Q You don't know that he is her child? A No, sir.

Q Don't know where he was born? A No, sir, I do not.

Q I understand you to say that Flora never returned to the Cherokee Nation until the fall of 1867? A Yes, sir.

Q Was she with you and your family all that time? A Yes, sir.

Q You held her there as a slave? A Yes, sir, until she was freed.

Q When did you consider she was freed? A '65/

Q You didn't hold her as a slave after '65? A No, sir, but she remained with us.

Q And come back with you? A Yes, sir.

MARK BEAN, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A Mark Bean.

Q What is your age? A 58.

Q What is your post office? A Brantley, Arkansas.

Q Do you know this other witness here, William Gott?

A Yes, sir.

Q Did you know his father, John? A Yes, sir.

Q Do you know a slave that they owned by the name of Flora?

A Yes, sir.

Q Do you know when this witness, William Gott, son of John Gott, returned to the Cherokee nation after the war?

A No, I don't know just when he returned he came back in the war.

mer of '67 with my brother and wrote for me to come down and I met him at Colbert's in the summer of '67.

COM'R NEEDLES: Where is Colbert? A Choctaw Nation.

Q You met Mr. Gott there in '67? A Yes, sir.

Q Was he enroute then from Red river to the Cherokee nation?

A Yes, sir

Q You are satisfied it was in '67? A Yes, sir.

WILLIAM GOTT, recalled, further testified:

COM'R NEEDLES: Are you certain you didn't return to the Cherokee Nation until 1867? A When Mr. Bean met us I came with his brother to this country just alone, that was in '67; I returned in the fall and brought my sister and she owned this family of darkies.

Q Where were you, how far south did you go? A I went to Red river.

Q In the Choctaw nation? A Yes, sir; I lived right there at Doaksville.

Q I understand that Flore never went out of the Indian Territory during the war, that she was with you all the time in the Choctaw Nation? A Yes, sir, she never went out of the Territory.

Q She returned to the Cherokee nation from the Choctaw Nation?

A Yes, sir.

Q Your family with her didn't go into the states? A No, sir.

Q About what part of the Choctaw Nation was it, Mr. Gott, was it right on Red river? A It is near Doaksville, it is near Red river.

Mr. Hastings: The representatives of the Cherokee nation desire to introduce part of the record taken from a book marked: "Docket of doubtful cases for Cherokee citizenship; tried in 1871; upon which appears the following:
"No. 149. Flora Gott and family; decided against Claimant; came too late:" dated June 16th, 1871.

Com'r Needles of Mr. Hastings: What book is that? A Record of the Supreme Court of the Cherokee nation.

Q Supreme Court of the Cherokee nation? A Yes, sir.

Com'r Needles, By request of the Attorney for Cherokee Nation this testimony will be filed in the case of Sherman Bryant D.#323, and in case of Minta Nash, D.#324.

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J: O. Rosson, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this September 23d, 1901.

C. R. Needles

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 16, 1901.

In the matter of the application of Minta Nash for the enrollment of herself and one child as Cherokee Freedman; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Minta Nash.
Q What is your age? A 24.
Q What is your postoffice address? A Hudson.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled by any other nation or tribe? A No sir.
Q Is your name on the authenticated roll of 1880? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes sir.
Q What roll? A Clifton Roll.
Q Who do you want to enroll besides yourself? A My little girl.
Q What is her name? A Gracie Nash.
Q How old is she? A Five years old.
Q Are you married? A Yes sir, I have been.
Q What is your husband's name? A Lemuel Nash.
Q You are not living with him now? A No sir.
Q What is your father's name? A Ephraim Bryant.
Q What is your mother's name? A Flora Bryant.
Q Have you any further testimony to give as to your citizenship than that given in your brother's case? A No sir.
Q Where were you born? A Born in the territory.
Q In the Cherokee Nation? A Yes sir.
Q Lived here all your life? A Yes sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

The Kerns Clifton Roll examined and the name of the applicant is found on page 113, No. 2814, Minta Bryant, Illinois District.

Minta Nash applies for the enrollment of herself and her child, Gracie. Her name does not appear upon the authenticated roll of 1880. She is duly identified upon the Kerns Clifton Roll as Minta Bryant, that having been her maiden name, she having since married one Lemuel Nash, by whom she has a child, Gracie, five years of age, whose name does not appear upon any of the rolls. Reference is made to the testimony taken in the case of her brother, Sherman Bryant, D 323, and her half brother, William Mayes, on D Card 298. The testimony in said cases will be made a part of the record in the matter of the application of the applicant; her citizenship depending upon the citizenship of her mother, Flora, and father, Ephraim Bryant. She makes satisfactory proof as to residence, consequently Minta Nash and her child, Gracie, will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further action by the Commission. It will be necessary for her to file satisfactory proof of birth of said Gracie; her name not appearing upon any roll. Applicant will be duly notified of the action of the Commission by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of May, 1901.

T. B. Needles
Commissioner.

File with case of Minta Nash, C.F.-D.#224.

Supp. C.F.-D.#298.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 23d, 1901.

In the matter of the application for enrollment as a Cherokee Freedman of William Mayes, the following supplemental testimony is offered on the part of the Cherokee Nation:

APPEARANCES:

Mr. W. W. Hastings, for Cherokee Nation;

Proof of service of notice on the said applicant has been filed, but applicant fails to appear in person or by Attorney.

WILLIAM GOTT, being duly sworn by Commissioner Needles, testified as follows:

- MR. HASTINGS: What is your name? A William Gott.
- Q What is your post office? A Stilwell.
- Q What is your age? A 61.
- Q Are you a Cherokee citizen? A Yes, sir.
- Q What is your father's name? A John Gott.
- Q Is he alive? A Yes, sir.
- Q Did you or your people own a slave before the war by the name of Flora? A Yes, sir.
- Q Did you own her at the time the war came up? A Yes, sir.
- Q Where did she go during the war? A We refugees south to Red River.
- Q Did you take her with you? A Yes, sir.
- Q What became of her, did you leave her down there, or she came back? A I brought her back when I came back.
- Q When did you bring her back? A I brought her back in the latter part of the fall of '67.
- Q Later part of the fall of '67? A Yes, sir.
- COM'R NEEDLES: Did you know her after that? A After I brought her back here?
- Q Yes? A Yes, sir, only a short while though.
- Q Did you know any of her children? A No, sir; well, now, I met this young man, I don't know him.
- Q You don't know that he is her child? A No, sir.
- Q Don't know where he was born? A No, sir, I do not.
- Q I understand you to say that Flora never returned to the Cherokee Nation until the fall of 1867? A Yes, sir.
- Q Was she with you and your family all that time? A Yes, sir.
- Q You held her there as a slave? A Yes, sir, until she was freed.
- Q When did you consider she was freed? A '68.
- Q You didn't hold her as a slave after '68? A No, sir, but she remained with us.
- Q And come back with you? A Yes, sir.

MARK BEAN, being duly sworn by Commissioner Needles, testified as follows:

- MR. HASTINGS: What is your name? A Mark Bean.
- Q What is your age? A 58.
- Q What is your post office? A Waverly, Arkansas.
- Q Do you know this other witness here, William Gott?
- A Yes, sir.
- Q Did you know his father, John? A Yes, sir.
- Q Do you know a slave that they owned by the name of Flora?
- A Yes, sir.
- Q Do you know when this witness, William Gott, son of John Gott, returned to the Cherokee nation after the war?
- A No, I don't know just when he returned, he came back in the sum-

mar of '67 with my brother and wrote for me to come down and I met him at Colbert's in the summer of '67.

COM'R NEEDLES: Where is Colbert? A Choctaw Nation.
Q You met Mr. Gott there in '67? A Yes, sir.
Q Was he enroute then from Red River to the Cherokee nation?
A Yes, sir.
Q You are satisfied it was in '67? A Yes, sir.

WILLIAM GOTT, recalled, further testified:

COM'R NEEDLES: Are you certain you didn't return to the Cherokee Nation until 1867? A When Mr. Bean met us I came with his brother to this country just alone, that was in '67; I returned in the fall and brought my sister and she owned this family of darkies.
Q Where were you, how far south did you go? A I went to Red river.

Q In the Choctaw nation? A Yes, sir; I lived right there at Doaksville.

Q I understand that your never went out of the Indian Territory during the war, that she was with you all the time in the Choctaw Nation? A Yes, sir, she never went out of the Territory.

Q She returned to the Cherokee nation from the Choctaw Nation?
A Yes, sir.

Q Your family with her didn't go into the states? A No, sir.

Q About what part of the Choctaw nation was it, Mr. Gott, was it right on Red river? A It is near Doaksville, it is near Red river.

Mr. Hastings: The representatives of the Cherokee nation desire to introduce part of the record taken from a book marked: "Docket of doubtful cases for Cherokee citizenship; tried in 1871; upon which appears the following:
"No. 149. Flora Gott and family; decided against Claimant; came too late;" dated June 16th, 1871.

Com'r Needles of Mr. Hastings: What book is that? A Record of the Supre Court of the Cherokee Nation.

Q Supreme Court of the Cherokee nation? A Yes, sir.

Com'r Needles. By request of the Attorney for Cherokee Nation this testimony will be filed in the case of Sherman Bryant D. #223, and in case of Minta Nash, D. #224.

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J. G. Rosson, being first duly sworn, states that as stenographer to the commission to the five civilized Tribes he carefully recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Rosson

Subscribed and sworn to before me this September 24, 1881.

C. R. Harrison

Commissioner

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Mayes, et al.,
for enrollment as Cherokee Freedmen, consolidating the applications
of

William Mayes-----	Cherokee Freedmen D 298
Sherman Bryant-----	Cherokee Freedmen D 323
Minta Nash et al.-----	Cherokee Freedmen D 324.

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by William Mayes, for himself; by Sherman Bryant, for himself, and by Minta Nash, for herself and minor child, Gracie Nash. The evidence taken in the case of Josh Starr, Cherokee Freedmen D 163, is filed with and made a part of the record herein.

The evidence shows that all of said applicants are descendants of one Flora Gatt and, with the exception of William Mayes, also descendants of one Ephraim Bryant.

The evidence further shows that the said Flora Gatt and Ephraim Bryant were slaves of Cherokee citizens at the beginning of the war of the rebellion and that, during said war, they were taken out of the Cherokee Nation and did not return thereto until after January 19, 1867.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of William Mayes, Sherman Bryant, Minta Nash and Gracie Nash, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED), Tams Firch
Chairman.

(SIGNED), T. B. Needles
Commissioner.

(SIGNED), C. R. Breckinridge
Commissioner.

(SIGNED), W. E. Stanley
Commissioner.

Muskogee, Indian Territory.

this JUL 1 1903

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Wm. J. H. H. H.

Hudson, I. T.

Cherokee 1-1-324.

No later.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

F. D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 190...

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of , 190 .

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 23 1901

 CHAPMAN

NOTICE!

IN THE MATTER OF the application of W. A. Nash
for enrollment as Cherokee Freedmen:
Case No. F. D. 324
To W. A. Nash

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson Indian Territory, on Sept 23rd at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 22nd

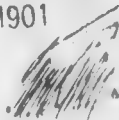
L. B. Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 16 1901

A handwritten signature in dark ink, appearing to be "J. H. H. H.", written over the typed name "J. H. H. H.".

ACTING COMMISSIONER

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

May 16, 1911

Post Office

Hydson St.

District

less

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife Minta Nash Age 24

Owners name _____ Citizenship _____

Year K.C. Page 113 No. 214 District Ill

Parents:

Father Chas. Bryant Citizenship _____Mother Flora Citizenship _____

Names of Children:

2. Grace Nash Year _____ Page _____ No. _____ Dist. _____ 5

4. _____ Year _____ Page _____ No. _____ Dist. _____

5. _____ Year _____ Page _____ No. _____ Dist. _____

6. _____ Year _____ Page _____ No. _____ Dist. _____

7. _____ Year _____ Page _____ No. _____ Dist. _____

8. _____ Year _____ Page _____ No. _____ Dist. _____

9. _____ Year _____ Page _____ No. _____ Dist. _____

10. _____ Year _____ Page _____ No. _____ Dist. _____

11. _____ Year _____ Page _____ No. _____ Dist. _____

12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by M. 1 Stenographer Chas. Rothenberg

1. On K.C. roll as Minta Bryant.

2. Aff. of birth to be supplied.

XRef 0298-0323

CPA
Cherokee Freedmen
D-324.

Muskogee, Indian Territory, July 11, 1903.

Minta Nash,

Hudson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor child, Gracie Nash, as Cherokee Freedmen, together with a copy of the Commission's decision, dated July 1, 1903, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. E. Needles.

Commissioner in Charge.

Register.

Enc. H-56.

COPY.

Cherokee Freedmen
D-298, D-323 &
D-324.

Muskogee, Indian Territory, July 11, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of William Mayes, et al., rejecting the application for the enrollment of William Mayes, Sherman Bryant, and Minta and Gracie Nash, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge.

Enc. H-58.

Cherokee Freedmen
D-298, D-323 &
D-324.

Muskogee, Indian Territory, July 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the consolidated case of William Mayes, et al., including the Commission's decision, dated July 1, 1903, rejecting the application for the enrollment of William Mayes, Sherman Bryant, and Minta and Gracie Nash, as Cherokee Freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-59.

Refer in reply to
the following:
LAW.
44284/1903.

COPY

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Feb. 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated July 11, 1903, transmitting the record relative to the consolidated case of William Mayes, et al, applicants for enrollment as Cherokee Freedmen.

William Mayes and Sherman Bryant, each apply for the enrollment of himself and Minta Nash applies for the enrollment of herself and her minor child Gracie Nash. All of the applicants are the descendants of Flora Gott.

The record shows that all of the applicants except William Mayes are also the descendants of Ephriam Bryant. Flora Gott and Ephriam Bryant were slaves of Cherokee citizens at the commencement of the war. They were taken out of the Nation during the war and the record does not establish the fact that they returned thereto prior to February 11, 1867. None of their names appear on the 1860 roll.

In view of the record in the case, it is believed that the decision of the Commission of July 1, 1903, adverse to the applicants is correct and its approval is recommended.

Very respectfully,

(Signed) A. C. Tonner,
Acting Commissioner.

GAW-H

D C 14382-1904.

COPY

W.C.F.

I. T.D. 1474-1904. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

THE

May 3, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 11, 1903, you transmitted the record of proceedings had in the consolidated Cherokee freedman case of William Mayes, et al. (D-298, D-323 & D-324), including your decision of July 1, 1903, rejecting the application for the enrollment of William Mayes, Sherman Bryant, and Minta and Gracie Nash.

Reporting in the matter February 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

(Signed) Theo Ryan,

Acting Secretary.

1 inclosure.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM O BEALE
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

209
REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-324.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 11, 1904.

Minta Nash,

Hudson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, your application for the enrollment of yourself and your minor child, Gracie Nash, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 3, 1904.

Respectfully,


Chairman.

Cherokee Freedmen
D-324 D-323 D-298.

Muskogee, Indian Territory, May 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, in the consolidated case of Minta Nash et al., rejecting the applications for the enrollment of Minta and Gracie Nash, Sherman Bryant and William Kayes, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 3, 1904.

Respectfully,

Chairman.

-COPY-

J.F.Jr.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

D.C.22183
I.T.D.1474-1904.
1983-1905.

May 29, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On May 3, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes of July 1, 1903, rejecting the application for the enrollment of William Mayes, Sherman Bryant, and Minta and Gracie Nash as Cherokee freedmen.

On February 25, 1905, the attorneys for the applicants transmitted to the Department a motion for review of the decision in said case.

Said motion has been examined, but shows no new matter of fact or law not heretofore considered. Finding no merit in this motion, it is hereby denied.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Cherokee Freedman
R299

Muskogee, Indian Territory, June 9, 1906

Minta Nash,

Hudson, Indian Territory.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of May 29, denying a motion filed by your attorneys, Blue and Bulger, for review in the Cherokee Freedmen Enrollment case of yourself and children.

Respectfully,

LMC

Commissioner

Cherokee Freedman
R 297-298-299

Muskogee, Indian Territory, June 9, 1906

Bell, Hastings & pavenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

For your information there is herewith enclosed a copy of Departmental letter of May 29, 1906, denying a motion for rehearing in the Cherokee Freedman Enrollment case of William Hayes et al.

Respectfully,

LMB

Commissioner

Encl. B 20

Cherokee Freedmen
R 297-298-299

Muskogee, Indian Territory, June 9, 1906

Blue & Bulger,

Attorneys for William Mayes, et al.

Baxter springs, Kansas.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 29, 1906, in which a motion for review filed by you February 25, 1905, in the Cherokee Freedmen Enrollment cases of William Mayes et al., is denied.

For your information there is enclosed herewith a copy of said letter.

Respectfully,

LMB

Commissioner

Encl. B 19

Department of the Interior.

Commission to the Five Civilized Tribes,

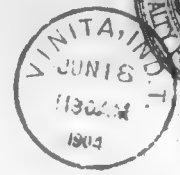
MUSKOCÉE, IND. TER.

FD 324

JUN 12 1904

Shawnee

[Handwritten flourish]



~~Minto Beach,~~

~~Hudson, Indian Territory.~~

Wm. Chisler

Cher. Fr. R-300

Cher. Fr. R-300

See Cher. Fr. D-1019

Department of the Interior,
Commission to the Five Civilized Tribes,
Newata, I. T. July 24, 1901.

In the matter of the application of Joseph Rowe for enrollment as a Cherokee freedman; he being sworn by Commissioner T. B. Needles, testified as follows- (Applies also for his wife as an intermarried freedman

L' T' Brown agent for the applicant

W. W. Hastings for Cherokee Nation;

By Com'r Needles,-

- Q What is your name? A. Joseph Rowe.
Q What is your age? A. 61 or 2.
Q What is your post office? A. Centralia.
Q In what district do you live? A. Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who else do you want to have enrolled? A. No body.
Q Is your name on any of the rolls? A. Yes sir Kern Clifton
Q Not on the 1880 roll? A. No sir

By Brown-

- Q Where you a slave in the Cherokee Nation at the beginning of the civil war? A. Yes sir. No sir I was a slave carried out by George Starr to Texas.
Q Were you a slave of a citizen of the Cherokee Nation? A. Yes sir.
Q And his name was George Starr you say? A. Yes sir.
Q Was he a Cherokee by blood? A. Yes sir.
Q When were you taken out of the Cherokee Nation? A. Before the war.
Q When did you return? A. In '65.
Q Where have you lived since then? A. I went back to Texas in the spring of '66 and settled up some business and came back here in the fall of '66.
Q Since your second return in '66 have you been here ever since? A. Yes sir here and in the Creek Nation

By the Commission-

- Q Why is your name not on the roll of 1880? A. I don't know.
Q Did you ever apply to the Cherokee authorities to have it placed there? A. No sir.
Q Did you apply to the Wallace court? A. Yes sir.
Q Did you draw Wallace money? A. Yes sir.

Applicant not on the 1880 and 1886 rolls.

Kern Clifton roll examined and the name of the applicant found as follows- Page 140 No. 5475 Joe Rowe, Cooweescoowee district.

Wallace roll examined and the applicant found as follows- Page 158 No. 2 883, Joseph Rowe, Cooweescoowee district.

By the Commission

- Q Are you married? A. Yes sir.
Q Is your wife living? A. Yes sir.
Q Is she a citizen? A. By adoption.
Q Do you apply for her also? A. Yes sir.
Q What is her name? A. Maggie.
Q What is her age? A. 26.
Q She is not a Cherokee freedman? A. No sir.
Q Single woman? A. Yes sir.
Q Where did you marry? A. Here in Cooweescoowee district.
Q Had she been married before she married you? A. Yes sir.
Q The 1st A. Mary Ann.

Q Who to? A. Berry Ward.
 Q Was he a Cherokee citizen? A. Yes sir.
 Q Was he living when you married her? A. Dead.
 Q Were you married before? A. Yes sir.
 Q Was your first wife living when you married this one? A. She was dead.
 Q When did you marry Maggie? A. 3 years ago.
 Q Shewas a widow then? A. Yes sir.
 Q Have you any proof of marriage between she and Berry Ward? A. She has her papers.
 Q And you claim her citizenship through Berry Ward? A. Yes sir.

The applicant presents a marriage license, ~~and~~ and certificate certifying that he was married to Maggie Ward on the 7th day of August 1899 according to the laws of the United States, license being issued by the United States Court at Vinita. It is returned to the applicant.

By Hastings-

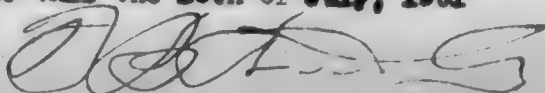
Q You applied to the Kern Clifton court in '96? A Yes sir.
 Q You testified then that you belong to David Rowe when the war broke out? A. No sir I dont think I said that.
 Q Did you say anything about belonging to George Starr then? A. I dont know
 Q Do you remember living in the Cherokee Nation before the war? A. Yes sir.
 Q Where? A. Flint district.
 Q How old are you? A. 61 or 2, He and Hookey Bell is the same age
 Q You went to Texas with Georg Starr in '56? A. In went with him.
 Q He owned a farm and property in Texas? A. Yes sir.
 Q He was a citizen of Texas at that time? A. He was a citizen of this country.
 Q He was re-admitted to citizenship when he came back? A. Yes sir.
 Q Who did you come back with from Texas after the war? A. My wife and myself and we met up with Charles Chambers and his wife.
 Q Where did you meet up with them? A. Near Fort Smith.
 Q Did you know Hookey Bell in Texas? A. Yes sir.
 Q Where was he living when you left there? A. He was living in Hunt county Texas
 Q How far from you? A. 6 miles.
 Q What time of the year did you leave there? A. Spring of '55
 Q Did you see Hookey Bell after that? In Texas? A. I never did.
 Q When did you last see Georg Starr in Texas? A. In '56.
 Q How did you see him in Texas in '56 if your were here in the Cherokee Nation? A I said I went from here and settled some business and made a crop there in '56 and come back here in the fall again, in the winter then.
 Q Before or after Christmas? A. Before.
 Q How long before? A. A month or two.
 Q Where was your wife at that time? A. At Hagerstown in Texas.
 Q What time did you bring her here? A. In '56
 Q And did you take her back? A. Yes sir.
 Q How long did you stay here in '55? A. 3 or 4 months I think.
 Q You testified before the Kern Clifton court that you was at Rowe house in '55? A. Yes sir.
 Q Did you see Gull and Joe Rowe then? A. No sir.
 Q Where did you first see Columbus McKaiz after the war? A. In Arkansas
 Q When? A. In '56.
 Q What time of the year? A. Winter.
 Q Before or after Christmas? A. Before.
 Q Did you have your wife with you? A. Yes sir.

Q Where was she? A. On old Tom Ragsdale's place.
 Q That was in '68 was it? A. Yes sir.
 Q After the treaty was made? A. Yes sir after the treaty was passed.
 Q You had heard of the treaty at that time and you wanted to get back here did you? A. Yes sir.
 Q What same part of the Nation did you come to the last time you came here in '68? A. I came to the Nation near the old Dave Rowe place.
 Q How far from there? A. 2 or 3 miles.
 Q Was Gull and Pee there? A. I don't know.
 Q Where did you go to from there? A. To Jim Rowe's
 Q How long did you stay there? A. Month or so.
 Q Where did you have your headquarters? A. No place in particular.
 Q In Texas? A. No sir.
 Q When did you go back to Texas? A. Spring of '68.
 Q I mean the next time? A. Never went there any more.
 Q You swear you were never in Texas since '68? A. I am swearing it.
 Q Where did you and your wife live after you came here in '68? A. At different places; I had started one place and sold it and went to Tahlequah.
 Q You didn't have a settled residence? A. No sir I was a sort of a gambler, my master leared me that
 Q Where was your wife then? A. In Sequoyah district.
 Q Who with? A. Tilda Sanders in Tahlequah

Continued by M. D. Green
 as stenographer.

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported the above came in as far as the present testimony goes and that the above is a correct and full transcript of his notes.

Subscribed and sworn to before me this the 16th of July, 1901

Chas. von Weiss


Commissioner.

CONTINUED, former portion of this case taken by stenog. Charles vonWeise.
July 2nd, 1901.

Joseph Rowe, for himself, and wife as intermarried. 1

Appearances:

Louis Brown, attorney for the applicant;
W. W. Hastings, for the Cherokee Nation.

ANDERSON LYNCH, being sworn by Commissioner Needles, testified as follows:

BY MR. BROWN:

Q State your name? A Anderson Lynch.

Q What is your age? A 64.

Q What is your post-office address? A Vinita.

Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

Q Do you know the applicant, Joseph Rowe? A I have knowed him, it has been about, something over 20 years I reckon.

Q That your first acquaintance with him, 20 years ago? A Yes, it may have been longer than that. I remember when I first saw him it was down in there at Dave Rowe's.

Q About how long ago? A It was in the winter, after Christmas, about in '66, maybe two months after Christmas, somewhere after, about that.

Q You know where he has lived since that? A I think he is living around, but I couldn't tell you where he lived then--

Q In what Nation was he living? A He was living in the Nation here then.

Q You don't know where he is living now? A No sir, I never was there.

BY MR. HASTINGS:

Q That's the first time you ever saw him? A Yes sir.

Q That's you think about 20 years ago, that's your best judgment?

A It may have been a little longer than that.

Q How much longer than that? A I don't know, couldn't have been more than 4 or 5 years longer.

Q Couldn't have been more than 4 or 5 years more than 20 years ago, that your best judgment? A As high as I can come at it, I couldn't tell.

Q You don't know anything about years? A No sir.

Q Don't know this year? A No sir.

Q You don't know any year between that year and this year do you?

A Oh some times I do when I study and they come up.

Q You have been studying about them for three months haven't you?

A Not that long, longer than that I reckon.

Q You never saw this fellow before the war? A If I did I don't remember it.

BY MR. BROWN: Applicant offers to introduce Charley Chambers, as a witness to establish his citizenship, and same is denied by the Commission.

BY MR. HASTINGS: Objected to by the Cherokee Representatives, because he was not called as a witness; he remained within the hearing of the testimony, and was not put under the rule as has been required of the other witnesses.

COM'R NEEDLES: Objection is sustained.

COLUMBUS McNAIR, being sworn by Commissioner Needles, testified as follows:

BY MR. BROWN:

Q State your name? A Columbus McNair.

Q Your age and post-office? A 51 year old.

Q Post-office? A Vinita.

Q You know the applicant, Joe Rowe? A Yes sir.

Q How long have you known him? A I have knowed him in Texas and I know him ever since he has been back here.

Q When did you see him the first time in the Cherokee Nation after the close of the War? A I don't remember the year.

Q How long after the close of the war was it? A I can't remember how long.

Q About how long? A Been about 22 or 3 years ago.

MR HASTINGS waives examination.

COM'R NEEDLES: Let this man be sworn with the understanding that he was present and heard the other witnesses testify, wasn't under the rule. (Referring to Charley Chambers.)

CHARLEY CHAMBERS, being sworn by Com'r Needles, testified as follows:

Q BY MR. BROWN:

Q State your name? A Charley Chambers.

Q What is your age? A 70 years of age.

Q What is your post-office? A Hudson.

Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

Q Your name appear upon the authenticated roll of 1880? A Yes sir.

Q Do you know the applicant, Joseph Rowe? A Yes sir.

COM'R NEEDLES: What citizen is he (referring to witness) a Freedman or a Cherokee by blood?

Witness: Freedman.

BY MR. BROWN:

Q You know the applicant, Joseph Rowe? A Yes sir.

Q How long have you known him? A Ever since '65.

Q Where did you know him in '65? A I saw him in Ft. Smith first time I saw him.

Q When did you see him the first time after the close of the war in the Cherokee Nation? A That was the first time I saw him, I saw him in Ft. Smith, and he ferried me across the river.

Q That was in '65? A Yes sir.

Q You know anything about his whereabouts in 1866? A No sir.

Q Never saw him during the war? A No sir.

Q You know whether or not he has been a continuous resident of the Cherokee Nation since you saw him? A I could hear of him being about in the Cherokee Nation.

BY MR. HASTINGS:

Q How many years after you saw him in '65 until you next saw him? A I don't know how long it was.

Q 20 years? A No no, it wasn't no 20 years.

Q 10 years? A I guess it was, more three or four.

Q Where did you next see him? A At Tahlequah last time I saw him.

Q At whose place was he living there? A He was not living at nobody's place.

Q Was his wife there? A If he had any wife I never saw her.

Q You never saw his wife in '65? A No sir.

Q Had no children there? A No sir.

Q Just alone? A Yes sir, when I saw him.

Q Was he in a wagon or afoot? A Horseback.

Q What time of the year was it? A I think in the spring.

Q You only saw him the one day? A Yes sir, he come in and I was fixing to come on this side of the river, and I told him he had better come and go home with me, and he come and went home with me.

Q Where were you living, A I was living on this side of the river.

Q Stayed all night with you? A Yes sir.

Q You hadn't known him before the war? A No sir.

Q Stranger to you? A Stranger to me.

Q That's the last time you saw him for three or four years?

A Yes sir.

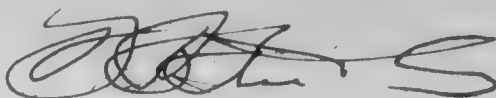
Joseph Rowe et al cont'd 3

Com'r Needles: Joseph Rowe applies for the enrollment of himself and his wife, Maggie, as citizen by intermarriage; he cannot be identified upon the authenticated roll of 1890 or the census roll of 1896; he is identified upon the Kern-Clifton and the Wallace rolls according to page and number of the rolls as indicated in the testimony; he avers that he married his wife, Maggie, about three years ago, he claims her citizenship through a former marriage to one Benjamin Ward; he makes no satisfactory proof whatever as to citizenship; avers that he was a slave, belonging to one George Starr, and was taken out to Texas and returned in the spring of '66; he will be listed on a doubtful card; he will be notified by the Commission of their action, at his post-office address by mail.

His said wife, Maggie, will be listed for enrollment as a Cherokee Freedman by intermarriage, upon a doubtful card; it will be necessary for him to make satisfactory proof of his wife, Maggie and her former husband Benjamin Ward's marriage.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this July 16, 1901.



Commissioner.

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101 101

101 101

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

File with C. F. D-1019, Joseph Rowe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 9, 1901.

In the matter of the application of Joseph Rowe for enrollment
as a Cherokee Freedman;

Appearances:

Mr. Smith, of Mellette & Smith, attorneys for appl't.
Mr. W.W. Hastings, of attorneys for the Cherokee Nation.

MARY H. BELL, being sworn by Commissioner Needles, testified
as follows:

BY MR. HASTINGS:

- Q What is your name? A Mary H. Bell.
Q What is your age, Mrs. Bell? A 57.
Q What is your post-office? A Vinita, Indian Territory.
Q Mr. Bell, what was your maiden name? A Mary Starr.
Q What was your father's name? A George H. Starr.
Q Where did your father live when the war broke out? A He lived
in Rusk County, Texas.
Q How long had he been living in Texas? A When the war broke out,
15 years, no, 16 years I guess.
Q Did he own a farm there? A Yes sir.
Q Was he a citizen of the State of Texas at that time? A Yes sir.
Q Did he own a slave by the name of Joe? A Yes sir.
Q This man go by the name of Rowe or not at that time? A Joe
was all we knew him by.
Q You called your slaves by their first names? A Yes sir.
Q Did you own more than one by the name of Joe? A No, I don't
believe we did.
Q Have you ever seen Joe that you owned since the war? A Yes, I
saw him here at the payment.
Q By what name did he go then? A I don't know; just called him
Joe.
Q You don't know whether he went by the name of Rowe or not?
A No sir.
Q Where were you living in '65 and '6 after the war? A In Texas.
Q What country? A Rusk.
Q Do you remember where this man Joe was in the year of '66?
A Yes, he was right there on the farm.
My father hired him for the year, and hired his wife to cook.
Q Did he have a wife at that time? A Yes sir.
Q Did she belong to you before the war? A No sir, she belonged
to Mr. Harnage.
Q What was his wife's name then? A Ann.
Q When did you leave Texas? A In 1868.
Q Well up until 1868 had you seen this colored man Joe? A Well
I guess I had, but I don't remember it, he stayed at our house
all during the year of '66; made a crop there.
Q And his wife cooked for you? A Yes sir.
My recollection is we left them all on the place, there that is in
'68.
Q You never heard of his leaving the community? A No.
Q How did you say that you have seen him here in the Cherokee Na-
tion since that? A Yes.
Q When was that? A In '94 I guess, it was the year of the pay-
ment.
Q Was it the year of the Cherokee or colored payments? A Cherokee.
Q Do you know how long he had been here then or did you have any
conversation with him as to his whereabouts? A No, I never said
anything to him about it.
BY MR. SMITH:
Q What did you say your father's name was, Mrs. Bell? A George H.
Starr.

Joseph Rowe 2

Q Well now, how many slaves did he own before the war? A I don't know how many, must have been 40 or 50.

Q Do you know whether he had more than one named Joe or not? A I think he was the only one named Joe.

Q The only one you remember? A Yes.

Q Were you familiar with the names of all of them? A Yes, I was then, knew them all.

Q Can you state positively that whether he owned but the one or are you sure about that? A I am quite sure he didn't have but one named Joe; was that what you wanted me to answer?

Q Yes; that is what I wanted to know; whether he had more than one slave named Joe or not? A I don't think he had but the one.

Q Where were you living when the war closed, in Rusk County Texas?

A Yes sir.

Q What was this man Joe there you speak of during the year 1865?

A He was on the place nearly all the time; he left there in '65 for a while.

Q Where did he go? A Went to Marshall, Texas.

Q About how long was he gone at the time he was away from there in '65? A I don't remember; just a little while.

Q Was he away from there at any time in 1865? A No sir.

Q Do you remember whether he was away from there at any time during 1866? A No, he was on the farm all during 1866.

Q You say he was married at that time? A Yes sir.

Q His wife was named Ann? A Yes sir.

Q You don't know when he first came to the Cherokee Nation after the war? A No, I don't know.

Q You don't know that the Joe you are talking about is the man who has applied here for citizenship in this case? A I suppose he is.

Q You don't know though for certain? A If I could see him I would know.

Com'r Needles: This will be filed in Doubtful case 1019.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this October 10th, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 493, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Joe Rowe, D 1019;

By W. W. Hastings:

Come now the Cherokee Nation and objects to the introduction of the decrees because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill, of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen D 1019.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph Rowe for
enrollment as a Cherokee Freedman.

DECISION.

The record in this case shows that on July 2, 1901, Joseph Rowe appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself as a Cherokee Freedman and for his wife, Maggie Rowe, as a Cherokee Freedman by intermarriage, but as the status of persons claiming rights to enrollment as Cherokee Freedmen by intermarriage is not fixed at this time, her rights will not be adjudicated in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 9, 1901.

The evidence shows that the applicant, Joseph Rowe, was the slave of one George H. Starr and resided with him in the State of Texas at the commencement of the rebellion; but it is not shown by a preponderance of the evidence that the said George H. Starr was a Cherokee citizen at that time. The evidence further shows that the said Joseph Rowe did not return to and establish his residence in the Cherokee Nation until after February 11, 1867. His name is not found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Joseph Rowe as a Cherokee Freedman should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this JAN 2 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.


Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Joseph Rowe,
Centralia, I. T.
Cherokee-F-D-1019.
Adj. Clk.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FI 1. 13 D
JUL 2 1901



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 2, 1901
 Post Office Centuria St.
 District Gov

1. Name Joseph Rowe Age 62
 Owner's name Geo. Starr Citizenship Cherokee
 Year K.C. Page 140 No. 3479 District Gov

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

2. Name of wife Maggie Rowe Age 50
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

Names of Children:

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

(The above table is crossed out with a large 'X' and the word 'Double' is written across it.)

Application made by M.D. Stenographer Chas. von Meier
M. D. Green

1 On K.C. roll as Joe Rowe
 1 " Wallace " Page 1138 12883 - Gov
 2 Proof of marriage to James husband Rowe

Represented by Louis J. Brown

INLET CHANNEL

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the original testimony of July 2nd, 1901, in the
matter of the application of Joseph Rowe et al for enrollment as
Cherokee Freedmen.

Louis J. Brown
Agent for Applicants.

Cherokee Freedmen #D1019.

GC

Cherokee Freedmen
D-1019.

Muskogee, Indian Territory, January 4, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application of Joseph Rowe for the enrollment of himself as a Cherokee freedman, together with the Commission's decision, dated January 2, 1904, rejecting said application.

Respectfully,

W. B. Sizoo
Chairman.

Through the

Commissioner of Indian Affairs.

Encl. H-25.

Cherokee Freedmen
D-1019.

Muskogee, Indian Territory, January 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 2, 1904, rejecting the application of Joseph Rowe for the enrollment of himself as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc. H-24.

AD00

Cherokee Freedmen
D-1019.

Muskogee, Indian Territory, January 4, 1904.

Joseph Rowe,

Centralia, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 2, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the supplemental proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

Enc. H-23.

COPY.

Cherokee Freedmen
D-1019.

Muskogee, Indian Territory, January 4, 1904.

Edgar Smith,

Attorney for Joseph Rowe, et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the supplemental proceedings had in the matter of the application of Joseph Rowe for enrollment as a Cherokee freedman, together with a copy of the Commission's decision, dated January 2, 1904, rejecting his said application. You have heretofore been furnished with a copy of the original record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Wm. Bixby
Chairman.

Register.

Enc. H-23.

Refer in reply to
the following:
LAND.
1310/1904.

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, April 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated January 4, 1904, forwarding the record relative to the application of Joseph Rowe for enrollment as a Cherokee Freedman. This applicant also applied for the enrollment of his wife, Maggie Rowe, as an intermarried Cherokee Freedman. Inasmuch as the status of persons intermarried with freedmen has not been fixed, the Commission did not pass upon her rights, in any she has.

The evidence shows that Joseph Rowe was the slave of George H. Starr who resided in the State of Texas at the commencement of the war. The evidence does not show that George W. Starr was a citizen of the Cherokee Nation at any time prior to the commencement of the war; and it is shown by the record that Joseph Rowe did not return to and establish a residence in the Cherokee Nation prior to February 11, 1867.

In view of the record approval of the Commission's decision of January 2, 1904, adverse to the applicant is recommended.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

GAW-H

D C 15088-1904.

COPY

WCF

I.T.D. 3132-1904. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

FHE

May 6, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 4, 1904, you transmitted the record in the matter of the application of Joseph Rowe for the enrollment of himself as a Cherokee freedman, including your decision of January 2, 1904, rejecting said application.

Reporting April 11, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

It appears that the original application embraced the name of Maggie Rowe, the wife of Joseph Rowe, who claims as a citizen by intermarriage, by reason of her former marriage to one Berry Ward, a Cherokee citizen. Her rights are not adjudicated in your decision.

The Department approves your decision as to Joseph Rowe, and the record is returned to you in order that you may pass upon the rights of Maggie Rowe. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan,

2 inclosures.

Acting Secretary.

Refer in reply to
the following:
LAND.
1310/1904.

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, April 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated January 4, 1904, forwarding the record relative to the application of Joseph Rowe for enrollment as a Cherokee Freedman. This applicant also applied for the enrollment of his wife, Maggie Rowe, as an intermarried Cherokee Freedman. Inasmuch as the status of persons intermarried with freedmen has not been fixed, the Commission did not pass upon her rights, is any she has.

The evidence shows that Joseph Rowe was the slave of George H. Starr who resided in the State of Texas at the commencement of the war. The evidence does not show that George W. Starr was a citizen of the Cherokee Nation at any time prior to the commencement of the war, and it is shown by the record that Joseph Rowe did not return to and establish a residence in the Cherokee Nation prior to February 11, 1867.

In view of the record approval of the Commission's decision of January 2, 1904, adverse to the applicant is recommended.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

QAV-H

Cherokee Freedmen
D-1019.

Muskogee, Indian Territory, May 16, 1904.

Joseph Rowe,

Centralia, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 2, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 6, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-1019.

Muskogee, Indian Territory, May 16, 1904.

Louis T. Brown,

Agent for Joseph Rowe,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 2, 1904, rejecting the application for the enrollment of Joseph Rowe as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 6, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-1019.

Muskogee, Indian Territory, May 18, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 2, 1904, rejecting the application for the enrollment of Joseph Rowe as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 6, 1904.

Respectfully,

Chairman.

10
10

Removed



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Joseph Rowe,

Centralia, Indian Territory.

REGISTERED
JAN 5 4
MUSKOGEE, IND. TER.

FEB 10 1904

Cher. Fr. R. 301

See Cher. Fr. D 651, 631
309, 302, 303, 190

Cher. Fr. R. 301

UNITED STATES OF AMERICA

INDIAN TERRITORY SS.

NORTHERN.....DISTRICT.

No.....Before Dawes Commission.

In the matter of the claim to Cherokee Citizenship of Daniel Lynch,
as a descendant of Cherokee Freedmen.

Affidavit of Rev. Turner Weson.

Turner Weson of lawful age being first be me duly sworn according to law on his oath deposes and says: My name is Turner Weson, I am 46 years of age, I reside at the present time in Muskogee, I.T. I am personally and well acquainted with Daniel Lynch, and have known him for the past 10 years. I formerly resided at Vinita, I.T. I was living in Vinita in the month of November, A.D. 1896. I am a regularly ordained minister of the gospel and have charge of a church, being a Baptist minister. I was a regular ordained Minister of the Baptist Church in November 1896 and have been for the past 19 years. On the night of November the third, 1896, at the residence of James Hicks, in Vinita, I.T., I did as such minister duly unite and join in the holy bonds of matrimony according to God's Holy Ordinances and the laws and customs of the Cherokee People Daniel Lynch and Miss Mary Grubbs, who was a citizen of the Cherokee Nation, being the descendant of Cherokee Freedmen. This woman is also known as Mary Ross.

I am not of kin to Daniel Lynch nor to Marry Lynch nee Grubbs or Ross, and have no interest whatever in this matter of citizenship enrollment. And further the affiant sayeth not.

T. Wesson.

(SEAL)

Subscribed and sworn to before me this the 4th. day of June, A.D. 1901, at Muskogee, I. T.

My Com. Ex.
Mar.31st1903.

Almon A. Kinney
Notary Public.

9. J. S. 116.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 17 1901

 ACTING CHAIRMAN

To be filed with case of Mary Lynch, C. F. D. 316

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHULSA, I.T., JUNE 8, 1901.

In the matter of the application of Nancy Ross for the enrollment of herself and two children as Cherokee Freedmen.

Appearances.

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Nancy Ross, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Nancy Ross.
Q How old are you? A I don't know how old I am.
Q About how old? A About up in the sixties.
Q What is your post office? A Viner.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q Have you any children that are under 21 years of age that are not married? A Yes sir.
Q How many? A Two.
Q What are their names? A Arthur and Emma.
Q How old is Arthur? A He is 20.
Q How old is Emma? A Emma is 18.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation?
A The Clifton roll.

The 1880 authenticated roll of Cherokee Freedmen examined and applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kerns-Clifton roll examined and the applicants identified thereon as follows:

Nancy Ross on page 152, No. 3764, Cooweescoowee District;
Arthur Ross on page 152, No. 3763, Cooweescoowee district;
Emma Ross on page 152, No. 3765, Cooweescoowee District.

- Q Why is your name not on the roll of 1880, do you know?
A I don't know.
Q Were you a slave? A Yes, sir.
Q What was your owner's name? A Lewis Ross.
Q Have you got any witnesses in your case? A Yes, sir, Frank Ross and Amy Ross and Mose Hardrick.
Q Where were you born? A Born at the Rosses, born on Ross place.
Q Was Lewis Ross a Cherokee citizen? A Yes, sir.
Q Well, did you go out of the Cherokee Nation during the war between the north and south? A Went out when the war broke out.
Q Where did you go to? A Went North.
Q Where did you go to, Kansas? A Yes, sir.
Q You were in Kansas during the war? A Yes, sir.
Q When did you come back to the Cherokee Nation?
A Came back in '66.
Q You been living here ever since? A Ever since, yes, sir.
Q Where did you come to when you came back? A Came back to Russell Creek.

Mr. Mellette: Who came with you? A My husband and my children, myself and another woman, who lived in the Creek nation, came down with us.

- Commissioner: What was your husband's name? A Mose Ross.
Q Is he living? A No, sir, he is dead.
Q Have you been married since his death? A No, sir.

Mr. Hastings: You just came back with your husband and your

own family? A And another family, man and wife, John Rentic and his wife and two children.

Q You came to Russell Creek? A Yes, sir.

Q How long did you stop there at Russell Creek? A Stopped there that spring and fall after I came down.

Q Did you make a crop up on Russell Creek? A Not any more than a little garden stuff.

Q Built a little house? A Yes, I built a little house.

Q Put in a creper corn? A No, didn't put in any corn.

Q Did this other family stop with you? A Yes, sir, they stopped.

Q How many children did you have at that time? A Four.

Q How many children did this other man have? A Two.

Q Had you ever been to Russell Creek before the war? A If I was I didn't know it.

Q Had your husband? A I don't know where he had been.

Q Where did you meet your husband first? A We both belonged to Ross; met him at Rosses.

Q You know that he lived there at Rosses when the war came up? A I don't know where the men went, nothing about the men's affairs.

Q The Rosses lived down about Tahlequah? A The Rosses lived at the old Asylum, Lewis Ross, there is where I was raised.

Q That was fifty or sixty miles from Russell Creek? A I don't know how far it was.

Q How far did you locate from Chatopa? A I don't know nothing about Chatopa, I never heard of Chatopa.

Q Didn't you come through that town when you moved to Russell Creek? A Never saw the town.

Q Did you apply to the Kern-Clifton Commission five years ago? A I applied when they had the roll.

Q About how many acres did you have in that little patch? A I don't know, just a small little place.

Q Four or five acres? A I don't know whether that much or not, I raised the garden stuff and a little hominy corn, just a little patch.

Q Where did you come from? A Came from Fort Scott.

Q What time of the year did you leave Fort Scott? A In April.

Q Well, was gun jabber up there at Fort Scott when you left? A Took no notice who was there, there was a good many people of all nations and all colors and all kinds, I don't know who was up there.

Q Do you know him? A I didn't know him, he might have been there.

Q You know Uncle Nelson Murrell; he had left up there, hadn't he? A I don't know whether he was there or not, the people was up in all parts of the town, I stayed down in the part by the old mill, and there was people camped all around there.

Q You had heard about the treaty passing when you came down? A I never heard a thing of the treaty.

Q Never heard about it at Fort Scott? A No, sir.

Q Well, after you went over the Kansas line did you go on Russell Creek? A I don't know.

Q What time did you leave Russell Creek? A I left there in the fall after I stayed all the fall.

Q About what time in the fall? A Well, I guess it was about the last part of the fall when I left there.

Q About Christmas time? A A little before I think.

Q Where did you go after that? A I went to the river.

Q To Grand river? A Yes, sir.

Q Well, you saw Allen Lynch down to the river? A No, I went to their brothers.

Q More Hardicks? A Yes, and Jack Lyons.

Q Was Jeff Lyons living down there? A Yes, sir, he was living down there, my oldest brother.

Q Was also was living down there? A Yes, there.

Q The place? A Uncle James Lynch.

Q How long did you stay down on the river? A I only stayed there three weeks.

N. R.--3.

Q Where did you go from there? A I went to Vinegar Creek.
Q Where is Vinegar Creek? A It is up above Russell Creek I reckon, it is away up towards Coffeyville or away above that somewhere.
Q Then you went there in the early spring of '67? A I went up to Vinegar Creek that winter, I just left Russell Creek and went to the river and stayed three weeks and then went to Vinegar Creek that winter.

Q Who did you see while you were on Russell Creek? A I saw an old white man said his name was Hannah.

Q Did he have a house up there? A Yes, sir.

Q How far were you from the state line on Russell Creek?

A I don't know where the state line was.

Q How came you to locate up there away from everybody?

A Well I guess my husband wanted to go up there and locate, he was the one, I wasn't locating, it was him.

Q Did you have a spring up there? A Got water out of the Creek.

Q On which side of Russell Creek did you live? A Lived on the west side; it was Vinegar Creek.

Q I mean on Russell Creek, when you first came there? A Lived on the south side of Russell Creek?

Q How far from the railroad? A Wasn't any railroad there.

Q Where did you get anything to eat all that spring and summer?

Q Don't you suppose we brought victuals with us; how do you reckon we could make out until we raised a little hominy and things?

Q Tell us the best you can where that was on Russell Creek?

A I lived just about a mile I guess south of the road.

Q Of what road? A On Russell Creek, south of the road there.

Q Of the military road? A I don't know whether it was or not.

Q A big road? A Yes, sir, I don't know whether it was a military road.

Q And you stayed there the year '66? A Yes, sir, I was there from the spring to fall.

Q Did you see anybody at all while you lived there? A Never saw anybody except the folks lived with us, only Art William stopped there and uncle Simon Lynch stopped there a time or two.

Q And that is the only ones you saw? A Yes, sir.

Q You never went to visit your brother until the fall?

A Yes, sir.

Q And they never visited you? A No, sir.

Q Never saw anyone pass there except those two you mentioned?

A I never noticed who passes the road and who didn't, a great many passes, during all the time I wasn't in good health, I was sick.

Q How far did you locate on Vinegar Creek from the State line?

A I don't know nothing about the State line.

Q Who was living up there when you went up there on Vinegar Creek?

A A man by the name of Hannah; he pretended to be an Indian but he wasn't nothing but a white man and a rebel at that, and he was living there.

Q Did he have any family? A He had a few children, and a wife, I guess it was his wife, I didn't have much to do with them.

Q How do you know that he was a rebel? A I know he was a rebel, 'cause he talked and acted like one.

Q He acted peculiar, did he? A Yes, he did.

Q Did he have a family up there? A No, sir, I didn't see nothing but himself and wife.

Q He had a house? A Yes, sir.

Q How far was his house from you? A I don't know, it wasn't very far.

Q Wasn't any colored people near you up there? A No, not where I was.

Q You say that was up in Kansas? A No, I didn't say it was in Kansas.

Q What creek does Vinegar Creek empty into? A I don't know; it must empty into your creek I reckon.

Q Is that as much as you know about Vinegar Creek? A Yes, that is as much as I know about Vinegar Creek.

- Q Did you build a house up there? A Yes, built a house up there.
- Q How far was that from Coffeyville? A I don't know.
- Q Were you ever at Coffeyville? A No.
- Q You wasn't? A Not when I lived there.
- Q Know who was your nearest colored neighbors up there?
- A My nearest colored neighbors at that time, there wasn't any there as I know of them, but after a while my husband went out and said Uncle Nelson Murrell lived about three miles up there, but I didn't go over there, I was sick all the time.
- Q You didn't see him for a long time after you went up there?
- A No, sir.
- Q Did you see him for about five years? A I don't know whether it was five or two, I was sick all the time, I wasn't studying about him.
- Q Did you have any doctor? A No, sir.
- Q Do you know one year from another? A I guess I do, I guess I got about sense enough to know winter from summer.
- Q What year was that oldest child born? A Born in '57, they say, in the records.
- Q What year was the Wallace Court sitting? A I don't know what year they set here.
- Q What year did the Kern-Clifton Court sit? A I don't know that either, I know I was there.
- Q You had to prove up before them? A Of course I had to prove up before them.
- Q You don't remember it at all? A No, I don't remember what year it was, it was three or four years ago I guess, I was there.
- Q Do you know what year this is? A No.
- Q Where did you apply to the Kern-Clifton Commission?
- A Out here.
- Q By the name of Nancy Ross? A Nancy Ross.
- Q You applied for yourself? A Yes, sir, and children and grandchildren.
- Q What are your childrens and grandchildrens names, all Ross?
- A Yes, sir, all Ross.
- Q When did Mose Ross die? A Died in 1886. (1886.)
- MR. MEILLER: Nancy, you say that Mose Ross, your husband, returned with you in 1886 to the Cherokee Nation? A Yes, sir.
- Q Now, I want to ask you about your children, I want to identify them so they can come in and appear for themselves. Did you have a son named Ned Ross? A Yes, sir.
- Q Was he born before the war or after? A Born before the war.
- Q Did he return to the Cherokee Nation with you? A Yes, sir.
- Q Did you have a son named Cyrus? A Yes, sir.
- Q Was he born before or after the war? A He was born before the war.
- Q Did he return to the Cherokee Nation with you? A Yes, sir.
- Q What was your next child? A Kizzie.
- Q Was she born before the war? A Yes, sir, she was a baby when I went out.
- Q Did she return to the Cherokee Nation then? A Yes, sir.
- Q What was your next child? A George.
- Q When was he born? A He was born in Kansas during the war.
- Q Did he return to the Cherokee Nation with you? A Yes, sir.
- Q Did you have a child named Martha? A Yes, sir.
- Q Where was he born? A On Russell Creek.
- Q After you returned? A Yes, sir.
- Q What is your next child? A Nelson.
- Q What is the next? A Harry.
- Q Where were Nelson and Harry born? A Harry was born on and river and Nelson was born on Vinegar Creek.
- Q Was that after you returned to the Cherokee Nation after the war?
- A Yes, sir.
- Q What was the next child? A Mary.
- Q And the next one? A Arthur.
- Q And the next one? A John.

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Mr. Hastings; Did they ever call you Jancy Griggs? A Yes, sir, I have been called Mandy Griggs.

Q Don't you live in Iola, Kansas? A I have been in Iola, Kansas, yes.

Q When was the last time you were there? A I was there last winter, right there.

Q You have been living there, have you? A Well, I was up there working, I am not living there.

Q Well, how long were you working up there? A I go up and work a month or two or two or three months if I want to.

Q Where did Mose Ross die? A He died in Fort Scott.

Q You were living in Fort Scott at the time? A No, I was living here, he went up there.

Q Where was your home here then? A I was on the river then.

Q In what settlement? A In Mose Hardwick's settlement.

Q You had a place down there? A No, I didn't have no place, I was just stopping there, but his health was pott.

Q Did you have a child named Kizzie? A Yes, sir.

Q Where was Kizzie born? A Kizzie was born at the old Asylum before the war.

Q Did you have a child named Martha? A Yes, sir.

Q Where was Martha born? A Born on Russell Creek.

Q You had a child named Nelson? A Yes, sir.

Q Where was Nelson born? A Born on Vinegar Creek.

Q You had a child named Harry? A Yes, sir.

Q Where was he born? A Born at my brother, Jackson Jefferson Lyon's.

Q You had a girl named Mary? A Yes, sir.

Q Where was Mary born? A ~~Kennett~~ She was born at Mose's.

Q Where was your husband most of this time? A He was there of course, he never died till after the children was all born.

Q Is Arthur your child? A Yes, sir.

Q Where was Arthur born? A Born at Uncle Simon's.

Q You were just living about from place to place? A Yes, sir.

Q Where was Emma born? A She was born at Uncle Simon's too; I got two children born at Uncle Simon's.

Q How long was Emma born before your husband's death?

A Well I guess she was about two years old, over two years old.

Q Did you take those children back to Fort Scott when your husband died? A No, sir, none but the baby.

Q Where were the rest of those children at that time?

A Living there at my brother's.

Q Which one? A Mose and Jess; left them children with my folks; some was at Mayfield's, my cousin's.

Q When did your brother Jeff die? A I don't remember.

Q Did he die before your husband? A No, sir, he didn't.

Q Did he die after 1880? A I don't know whether he died in 1880 or when, he didn't die before my husband.

Q You got a son named George? A Yes, sir.

Q Where was George married? A I don't know where he was married.

Q What is his wife's name? A He had a wife named Josie he said; my boys isn't with me.

Q Where were they? A I don't know where they were.

Q Wasn't George up in Kansas? A He might have been in Kansas, or any other place, I don't know where he was.

Q He wasn't with you when he married? A No, sir.

Q Have you ever seen his wife? A No, I haven't seen his wife.

Q Where is he living now? A I don't know.

Q Where is Martha now? A She is dead.

Q Where is Nelson? A He is here.

Q Where has Nelson been living? A On Big Creek.

Q Where did he go to on Big Creek? A He can answer that himself.

Q When did he leave you? A He left me off and on when he went to school.

Q Where did he go to school? A Some in Fort Scott and some in Parsons.

Q That is while you were living up there? A No, I wasn't living up there.

Q Where did you live now, after your husband died, in 1866?

A In 1866 I was living on the river.

Q When did you first go back to Kansas? A I don't remember when I first went back; whenever I took a nation to go back, I took up and go; whenever I wanted to make some money I would pick myself up and go, go to the train and buy my ticket and go; I went in the day and I come in the day; I thought as I was a free woman I could do as I pleased.

Q Do you know where George's children were born?

A If George has got any children I don't know it.

Q Who are these children you apply for, Daniel and Roy and Bessie and Lewis? A Daniel and Roy belongs to Kiz.

Q Where does Kizzie live? A She is living here, I guess, the last time I saw her year ago she was in Vinita.

Q How long had she been living at Vinita? A I don't know, I just went down to Vinita and saw her.

Q You don't know where these children were born? A No, sir.

Q Where was she married? A I don't know.

Q What is her husband's name? A She has got a statement.

Q Don't you remember she married in Fort Scott? A I don't know where she married.

Q What is his full name? A I think his name is Taylor, is all I ever heard.

Q You never did have a home here? A Never did till now; I have got a home.

Q Were you living in a house in Fort Scott when your husband died?

A No, I wasn't living in a house.

Q What was you doing up there? A Took him there, he was sick; the same doctor that doctored him during the war was there.

Q He has doctored him ever since the war, too, hasn't he?

A No, sir, he hasn't.

Mr. Mellette: What did you say about where you have lived since you came here in '66; where has been your home?

A Just first one place and another, on the river.

Q What country has been your home? A The whole country has been my home.

Q What country has been your home? A The Cherokee Nation.

Mr. Hastings: Objected to by the representatives of the Cherokee Nation, because that is a legal question; ask her where she has lived; let the facts develop where her home is.

Mr. Mellette: What country have you lived in since you came here in 1866? A Cherokee Nation.

Mr. Hastings: You have lived in Kansas too, haven't you?

A I wasn't living up there, when I was only working, you don't suppose I was dead, do you.

MOSE HARDRICK, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Mose Hardrick.

Q What is your age? A 71.

Q Where do you live? A Up here on Pryor Creek.

Q Do you know the applicant Nancy Ross? A Yes, sir.

Q What relation is she to you? A My sister.

Q Do you know whether she was a slave in the Cherokee Nation before the war? A Yes, sir.

Q Who owned her? A Lewis Ross.

Q A Cherokee Indian, was he? A Yes, sir.

Q Do you know when she returned to the Cherokee Nation after the war? A No, sir, not exactly.

Q When did you first see her in the Cherokee Nation after the war?

Q I seen her here in the summer.

Q What year? A Of 1866.

Q Where did you see her? A She came over to my place on Grand river.

Q Who was her husband? A Moses Grubbs was her husband.

Q What was his other name besides Grubbs? A Moses Ross, belonged to Lewis Ross.

Q Where has the applicant lived since that time '66 when she came to your place? A I can't tell you.

Q Have you seen her? A Yes, sir, several times, at my place.

Q Did she live in your part of the country any length of time?

A She came there and stayed a while with me, sometimes a month or two weeks and then she would go back to her home.

Q Where was her home? A She said she was living up on Russesll Creek.

Q Do you know of your own knowledge what other parts of the country she has lived in? A No, sir.

Q How often since '66, how frequently would you see her during that 35 years? A I can't tell, I never noticed the time.

Q Did you see her often or not? A Well, tolerably often, just now and then.

Q Where would you see her? A Sometimes at my house, sometimes at my brother's, and there in the neighborhood where I lived at.

Q Did you ever see her at other place in the Cherokee Nation besides over there? A Just saw her around in neighbor's houses.

Q Were you much acquainted up in the country about Coffeyville?

A No, sir.

Q Do you know where Vinegar Creek is? A No, sir, just only heard of it.

Q Do you know of an her living up there of your own personal knowledge? A I don't, I just heard Ike Rogers say she lived up there.

Mr. Hastings: About how many times you think you have seen her in 35 years? A I can't tell you, I never kept no count.

Q Have you seen her half a dozen times? A I expect more than that; I never kept no count.

Q She would come down there to visit you now and then? A Yes, sir she would come over to my house.

Q Do you know her daughter Kizzie? A Yes, sir.

Q She is living in Kansas, is she? A I don't know where she is living at.

Q You know she is married up there? A No, I didn't.

Q She has got a state man for a husband? A That is something I don't know.

Q You don't know her at all? A I don't know who all her children married.

Q Do you know where Nelson, her son, lives? A He lived up here on Big Creek.

Q How long has he lived up there? A I don't know how long, he has been teaching at school up there a good while.

Q Do you know where this woman's husband is; is he dead?

A Yes, she says he is dead; I didn't see him.

Q Did you ever see him? A Oh yes, I lived right on the place with him.

Q Did you see him after the war? A Yes, sir.

Q Where did you see him? A The last time I seen him it was up here in Kansas, and I haven't seen him since.

Q About the time the war closed? A No, sir, a little time after it closed.

Q Just before you came down here? A No, after that.

Q You had come down here yourself? A Yes, sir.

Q And went back and you saw him up there? A No, I didn't go back, he came down, I didn't go back.

Q Where did he come from? A Well, that is what I don't know, I didn't ask him.

Q Don't you know that this applicant has been living at Iowa, Kansas? A No I don't, I have asked her several times and she told me no.

Q Do you know where this Mose Ross died? A I don't know that.
 Q Didn't die at your house, did he? A No, sir, didn't die there.
 Q You never was at Vinegar Creek? A No sir, never was.
 Q You never saw her on Russell Creek? A No, sir, never went u, there, that far since I have been in the Nation.
 Q She would come to visit you once in a while? A Yes, sir.
 Q About how long would she stay on a visit, a week or two?
 A Yes, sir, longer than that.
 Q How long; a month? A She came one time and stayed nearly two months; she was confined there.
 Q Where was her husband then? A I don't know.
 Q He wasn't with her? A He wasn't with her.

FRANK ROSS, being sworn and examined by Commissioner Needles, testified as follows:

By Mr. Hellette: What is your name? A Frank Ross.

Q What is your age? A 53.
 Q Where do you live? A Lightning Creek.
 Q Are you on the authenticated roll of Freedmen citizens of the Cherokee Nation? A Yes, sir.
 Q Do you know the applicant Nancy Ross? A Yes, sir.
 Q How long have you known her? A Ever since I can recollect.
 Q Did you know her before the war? A Yes, sir.
 Q Where did you know her? A Knewed her at Lewis Ross' where we belonged.
 Q Did she belong to the same person you did? A Yes, sir.
 Q Did you know her husband, Mose Ross? A Yes, sir.
 Q How do you know when she returned to the Cherokee Nation after the war? A I know when I saw her first.
 Q When did you first see her? A In the fall of '66.
 Q Where? A To her brother's, Mose Hardrick, on Grand river, east of Grand river.
 Q How did you happen to see her there? A I was up there, went up there from where I lived, and she was there.
 Q Where has she lived since that time, as far as you know?
 A Well, I can't tell where she has lived, only along about ten years after that I seen her up on Big Creek, where she is living now.
 Q Is there a Vinegar Creek up there some place?
 A One up close to Coffeyville in there somewehre; I heard of one up there.
 Q You saw her, you say, ten years after you first saw her, on Big Creek? A Yes, sir.
 Q How long has she lived up there on Big Creek? A About 16 or 17 years I guess, as well as I can recollect; maybe not so long and maybe longer.

Mr. Hastings: How many times have you seen her in the Nation since '66? A I don't know, I have seen her a good many times.
 Q About how many times? A I can't say, I have seen her a good many times.

Q You say her here at Mose Hardrick's the first time?

A Yes, sir, at Mose Hardricks her brother.

Q What time of the year was that? A In the fall.

Q Was her husband with her? A I didn't see him.

Q Was her children with her? A I seen two.

Q Name them? A Ned and Kissie.

Q Was Kissie married then? A I don't know.

Q Was her husband with her? A I never seen him.

Q You don't know whether she was married or not?

A No, sir.

Q When did you next see her? A About two years after that, I guess it was ten, nine or ten.

Q Was her husband living with her then? A Yes, he was sick then.

Q Where was that? A That was up on the river, up here on Big Creek.

Q Near where place? A Well, it was near the Dutton settlement then.

Q Were you there to her house? A Yes, I was to her house.

1. 1.--9.

Q Was her husband there? A Yes, he was there when I got up there.

Q How long was that? A I disremember what year it was in, it must have been along about 79 or 80, somewheres along in there.

Q Where did you see her after that? A A good many times after that.

Q Did she have a place on Big creek? A Yes, sir.

Q She had a house built? A Yes, sir.

Q She is living on that same farm, and house now?

A Yes, sir, in the same house and farm.

Commissioner: Nancy Ross applies for the enrollment of herself and two children, Arthur and Emma. She is not identified upon the authenticated roll of 1880, or the census roll of 1896. She is duly identified upon the Kern-Clifton roll. Her two children, Arthur and Emma, are also identified upon the Kern-Clifton roll. She avers that she was the slave of one Lewis Ross, a Cherokee citizen, and that she was married to one Mose Ross, or Mose Grubb, now deceased. She avers that she went to Kansas during the war and returned in the year 1866. By reason of the fact that her name is not on the roll of 1880, and by reason of the fact of the especial protest of the Cherokee Nation against her enrollment, said Nancy Ross will be listed with her two children, Arthur and Emma, for enrollment as a Cherokee freedman, on a doubtful card, awaiting further consideration by the Commission. She will be notified by mail of the decision of the Commission when arrived at.

Supplemental testimony.

Nancy Ross, recalled, testified as follows:

Commissioner: How do you apply for some grandchildren?

A Yes, sir.

Q What are their names? A Bert Ross.

Mr. Hollette: Whose children are their grandchildren?

Cyrus.

Q Are they living with you? A Yes, sir.

Commissioner: How old is Bert? A I don't know his age.

Q About how old? A I guess he may be 17 I guess.

Q What is the name of the next one? A Lewis.

Q How old is Lewis? A I don't know how old he is.

Q About how old? A I just don't know.

Q Is he younger than Bert? A He is younger than Bert, Bert is the oldest one.

Q About how old is he? A I guess I would put him about 15.

Q What is the name of the father of these children? A Cyrus Ross.

Q Is he living? A No, sir, he is dead.

Q What is the mother's name? A I don't know the mother, she don't live with me, she just brought the children home.

Q Was Cyrus Ross your son? A Yes, sir.

Q When did he die? A He died several years ago.

Q Where? A Down here.

Q In the Cherokee Nation? A Yes, sir.

Q How old would he be if he was living? A I guess he would be 42.

Q Was he born a slave? A Yes, sir.

Q Where did he go during the war? A He went with me.

Q Did he belong to the same man you did, Lewis Ross?

A Yes, sir.

Q Did he return with you? A Yes, sir.

Q Where were these children born? A Born on Grand river, in the Cherokee Nation.

Q Where was Cyrus married? A I don't know, he was married in the Nation, he had a Nation woman.

Q Was his wife a state woman or a freedman? A She was a Nation woman.

Q Was she a slave? A Yes, sir, I guess so.

Q You don't know her name? A Her name was Sidney he said, she didn't live with me.

Q What Sidney? A I don't know.

Q Do you know whether they were ever married or not?

A No, sir, he was sick when he came home, his wife was dead, and he just brought the children.

Q How many white grandchildren you want to enroll? A I want to enroll six.

Q What are their names now? A Bert and Lewis, and Georgia and Minnie and Roy and Nancy.

Q Georgia Ross? A Yes, sir.

Q And Minnie Ross? A Yes, sir.

Q And whose else? A Nancy Ross.

Q And who else? A Roy Ross.

Q How old is Georgia Ross? A I don't know how old she is.

Q About how old? A I don't know, I can't say, for I don't know nothing about how old the grandchildren is.

Q You ought to boast yourself on that before you come to apply.

A Nobody knows their ages except the fathers; I guess she may be 14.

Q How old is Minnie? A About 12 years old.

Q Well, how old is Nancy, about? A Nancy is another set, another daughter's children.

Q How old is she? A She is 9.

Q Well, how old is Roy? A He is 14.

Q Is Roy the brother of Nancy? A Yes, sir.

Q Well, now, is Cyrus the father of Georgia and Minnie?

A Yes, sir, he has got four.

Q And Bert and Lewis? A Yes, sir.

Q And their mother's name was one Sidney? A Sidney, he said.

Q Were they ever married? A I don't know.

Q Can you prove their marriage? A I don't know anything about it.

Q Well that is what you will have to do. Who was the mother of Nancy and Roy? A Martha.

Q She your daughter? A Yes, sir.

Q Is she living? A No, sir, she is dead.

Q When did she die? A She died since the Clifton Court.

Q How old would she be if she was living, about? A I think she would be 34 years old, I guess.

Q Was she born before or after the war? A She was born in '66.

Q Where? A On Russell Creek.

Q In the Cherokee Nation? A Yes, sir.

Q She lived there till she died? A Yes, sir.

Q Are these children all living? A Yes, sir, they are all living.

Q Are they living with you? A Yes, sir.

Q Mr. Hastings: Where at? A Up on Big Creek.

Q How long have they been living on Big Creek? A Be e there ever since I been there.

Q How long is that? A I guess I been living there 14 or 15 or 16 years, I reckon, I can't remember just how long, I been living there.

Q You got a place there? A I got a place there now.

Q When did you make it? A I made it in 1897.

Q Who did you live with up there before that? A I lived with Katie Thornton.

Q You never lived on a place of your own have you? A I had a place rented up there.

Q Did you know where Cyrus Ross' children were born; did you ever see his wife? A No, I never saw his wife, he wasn't with me.

Q He was in Kansas? A No, he wasn't in Kansas.

Q And all these children were born up there? A No.

Q How do you know? A I don't think he was.

Q You never saw his wife? A No, sir.

Q You are testifying here and you never saw his wife?

A He said they were born in the Nation; he never came home till he was sick enough to die.

Nancy Ross, -all.

Q When did he die? A He died when he died.

Q When was that? A I don't know when he died, I don't know how many years it has been.

Q Has it been 20 years ago? A I don't think it was, I know it wasn't his wife living? A No, sir.

Q You don't know her name? A No, sir, only Sidney, because he was sick when he came there.

Q Don't you know where he was living, your own son? A No, sir; do you know where your own folks is living when they are grown and scattered about keeping up their business?

Q What was Martha's husband's name? A She didn't have no husband, just had them two children.

Q Where were them children born? A Born here.

Q Where? A Where; born here in the Territory.

Q What part of the Territory? A On Big Creek.

Q Is your house? A Yes, sir.

Q You were not keeping house at that time? A Yes, I was renting and keeping house.

Q Where did Martha die? A Up there.

Q Where? A Up on Big Creek.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Bert Ross on page 152, No. 3760, Cooweescoowee district;
Lewis Ross on page 152, No. 3767, Cooweescoowee District,
as Louis Ross;

Georgia Ross on page 152, No. 3768, Cooweescoowee district;

Winnie Ross on page 152, No. 3769, Cooweescoowee district.

Q Did Martha die since she got her Clifton money?

A She got her Clifton money, but they couldn't find the children's names, they were left off.

Q She didn't get it for the children? A No, sir, there were left off.

Q These children all living? A Yes, sir.

Q All living with you? A Yes, sir.

COMMISSIONER: The applicant also applies for the enrollment of six grandchildren, to-wit: Bert Ross, Lewis Ross, Georgia Ross and Winnie Ross, who she avers are the children of her son Cyrus by one Sidney. The children are duly identified upon the census roll of 1905, but no proof is made as to the legal marriage of Cyrus with the presumed mother of said children, and no proof as to where they were born, as to the citizenship of their mother. She avers that she has two grandchildren, Nancy and Ray, and that they are the children of her child Martha, now deceased, —

The Kern-Clifton roll examined and name of Martha Ross found thereon, page 152, No. 3769, Cooweescoowee District

—and said Martha Ross is identified upon the Kern-Clifton roll. The names of the children Ray and Nancy cannot be identified upon any roll, and no satisfactory proof is made as to their citizenship, consequently it will be necessary first that satisfactory proof of marriage be made between Cyrus and his wife, the avowed mother of his children, and satisfactory proof of the birth made as to Nancy and Ray, to avowed children of Martha and their names will be placed upon a special card as children of Martha, pending further consideration by the Commission. They will be notified by mail when a decision is arrived at.

N. R.--12.

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.
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Bruce C. Jones, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 17th of June, 1901.

(Signed) C. R. Breckinridge,
Commissioner.

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J. O. Rosson, being first duly sworn says that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony and proceedings in the above case.

J. O. Rosson

Subscribed and sworn to before me this August 15th, 1901.

[Signature]

Commissioner.

J. R. 316.

SUPPLEMENTAL TESTIMONY.

F.-D.#361.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I. T., JUNE 10th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
as Cherokee Freedmen: ^{enrollment of} Mary Lynch, et al.,

Said Mary Lynch being sworn and examined by Commissioner
T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith, for Applicants.
Mr. W. W. Hastings, for Cherokee Nation.

- Q What is your name? A Mary Lynch.
Q How old are you, Mary? A 25.
Q What is your post office? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Who do you want to enroll besides yourself? A Nobaby.
Q Are you married? A No, sir.
Q What is your husband's name? A Dan Lynch.
Q Is he a citizen? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A On the
Kern-Clifton.
Q What was your father's name? A Mose Ross, he is dead.
Q What is your mother's name? A Naye Ross.
Q She is living? A Yes, sir.
Q She has been listed for enrollment hasn't she? A Yes, sir.
Q Where were you born? A Grand River.
Q Cherokee Nation? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Have you any children? A Yes, sir.
Q Do you want to apply to have them enrolled? A My husband had
then enrolled.
Q You drew strip money did you? A Yes, sir.
Q Did you draw by the name of Mary Ross or Mary Lynch? A My
husband got my money.

COM'R NEEDLES: Upon examination of the records it is
found that the applicant is enrolled with her husband,
Daniel Lynch, on doubtful card #361, and the testimony now
taken as well as the testimony of Nancy Ross who was listed
for enrollment on Card D.#651, will be made part of the
record in the case of the application of Mary Lynch on
Card D.#361, and a copy thereof will be filed with the tes-
timony taken in the case of Daniel and Mary Lynch on D.
card #361.

BY MR. HASTINGS:

- Q Where were you born? A On Grand river.
Q At whose house? A Mose Hardrick's.
Q Mose Hardrick is your mother's brother? A Yes, sir.
Q How long did you live with Mose Hardrick? A I lived there
until I was about 12 or 13 years old.
Q All the time? A No, sir.
Q Where else did you live besides Mose Hardrick's? A I lived
with Charley Mayfield.
Q How far did Charley Mayfield live from Mose Hardrick?
A I don't know.

Q You lived in Kansas, Iola? A Yes, sir, went to school there.
Q How old were you? A 12 or 13 years old.
Q Your mother was living in Iola at that time? A No, sir.
Q Where was she? A She would go up there and come back with us,
at Mose Hardrick's and Charley Mayfiel'ds and Melza Moore.
Q Where were you married? A Vinita.
Q When were you married? A '96.
Q How long had you been in Vinita when you married?
A I had been there all the time except I would go to school back-
wards and forwards.
Q When did you come back from school? A Come back in the summer
when school was out.
Q Now, will you be kind enough to tell me what year you quit school?
A I don't know, I quit school when I was 16 years old.
Q You have been out of school six years? A Yes, sir.
Q Where have you been since you quit? A At Vinita at work.
Q Who did you stay with? A Maggie Fields.
Q She is a colored woman? A Yes, sir.
Q Who else did you stay with? A Nobody..
Q How long did you stay with Maggie Fields? A I stayed there
often and on as long as I worked in Vinita until I was married.
Q How long was that? A Eight or nine years.
Q Well who did you work for in Vinita?
Q McGlasson is the first place I worked.
Q Where was your mother living? A On Grand river.
Q With Mose Hardrick? A I don't know:
Q You have lived in Iola, Kansas? A Went to school there.
Q Your mother was living there at the time? A My mother worked
out ~~xx~~ there, washed up there.
Q Your brothers and sisters were at work up there or going to
school? A One brother went to school at the time I did.
Q Where were the others? A Down here.
Q Down to Mose Hard~~dr~~icks? A Somewhere down there.
Q Your mother ~~xxx~~ used to live on Vinegar Creek? A I don't know
nothing about that.

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J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J O Rosson

Subscribed and sworn to before me this 21st day of June, 1901.

[Signature]

Commissioner.

R-.
File with Cherokee Freedman D-316, Mary Lynch.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 7, 1901.

In the matter of the application of Nancy Ross et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellott & Smith, attorneys for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

R. J. MORRIS, appearing before the Commission and being duly
sworn and examined, testified as follows:

Mr. Hastings: What is your name? A R. J. MORRIS.

Q What is your age? A I am 56 years old.

Q Where do you live? A I live at Iola, Kansas.

Q How long have you lived in and about Iola, Kansas? A Since '56.

Q Did you know a colored woman by the name of Nancy Ross, and also
known as Nancy Grubbs.

Q You know her husband? A Yes.

Q What was her husband's name? A Mose.

Q Did you know any of her children? A Yes.

Q Now name some of them? A Well I knew George, Dick and Arthur
and Kizzie I think and also Ned Foreman, that was a son of hers.

Q A son of hers, not a son of Mose? A No.

Q Do you know this man here (indicating Nelson Ross)? A Well it
has been quite a while since I have seen him, but he resembles the
Grubbs family, I can't say whether he is a Grubbs or not.

Q Well, when did you first learn to know Nancy Grubbs or Nancy
Ross? A Well right away after she came up there from the Nation, I
think it was about '53 somewhere along there, I wouldn't be positive
it was that year, but then right in that neighborhood.

Q Well how long did you continue to know them? A Well, I knew
her ever since.

Q Where has she lived since that time? A Iola.

Q Well, have you known these children? A Yes, I am very well ac-
quainted with George and Arthur, and I did know Dick and Harry, I
am very well acquainted with Harry, I saw him nearly every day, I have
been living or boarding right close to where he lives, I see him
most every day.

Q Does he live up there now? A Yes.

Q Does his mother live up there now? A I can't say whether she
lives there now, she did the last I knew, that was last winter; you
see I have been away from town a right smart of the time this summer
at work.

Q How far from Iola did they live when you first knew them just
after the war? A Well, I suppose about two miles, mile and a half
or two miles.

Q They live on a farm? A Why they lived, I don't know whether
you would call it a farm or not, a small tract of land.

Q Well, did they afterwards move in town or move from there? A Yes,
afterwards moved from there to town.

Q About how long ago? A Well I can't say positively, probably
eighteen or twenty years ago, well I would say fifteen or twenty
years ago, I can't say positively just what time it was.

Q Did you ever have them to work for you, do any work? A No.

Q Now far did you live from them this first few years after the
war, did you live in town? A No, I lived about three miles northwest
of town.

Q How far would that throw you from them? A Oh probably about
three miles or four.

Q You know the father, Mose Ross, by Mose Grubbs, didn't? A Well

now I wouldn't be positive whether he died, I think though he died in Iola, I wouldn't be positive as to that.

Q Well, did you ever hear of these people leaving there for any length of time? A No, I never did, I don't know of them ever moving away.

Q Did you see them frequently? A Why very often.

Q Did you ever know one that they called Nelson? A No.

Q Never knew Nelson? A Didn't know him.

Q You know one they called Dick? A Yes.

Q Did Kizzie marry, the daughter? A Yes.

Q Who did she marry? A She married a colored man by the name of Newman, Taylor Newman.

Q Do you know what became of her? A I do not.

Q When did you remember of seeing her last? A Well sir, I can't tell you, I see Taylor very often.

Q That her husband? A That is her husband, but I haven't seen him for sometime.

Q You know where Taylor is? A He is in Iola.

Q Living there? A Yes, sir, living there.

Q That is Taylor Newman? A Taylor Newman.

Mr. Mallett: How old are you, Mr. Morris? A ...

Q You say that the woman, Nancy Ross, whom you knew and whom you have been telling about, or Nancy Grubbs, lived in Iola last winter?

A Yes, sir.

Q That was the winter of 1900 and 1901? A Yes.

Q Where did she live? A She lived in the southwest part of town.

Q Kept house? A Yes, sir.

Q Have a family there? A Yes, sir, her children was there with her.

Q How many children? A Two I think and then there was one boarding there, George was boarding at home.

Q Well, how old a man is George? A He must be well into thirty years old, maybe older, I don't know just exactly.

Q Then you don't know anything about any of the rest of them except George, do you? And Nancy? A No, I don't; well, Harry, I know Harry lives there in Iola.

Q Do you know that the Nancy Ross who has made application here for enrollment as a Cherokee Freedman is the Nancy Grubbs whom you have been talking about? A No, sir, I don't, I never knew her by the name of Nancy Ross.

Q Now where was Nancy Grubbs, whom you have been talking about, in 1866? A In 1866, well she was in Iola as far as I know.

Q Well I am not talking about as far as you know? A I can't swear positively whether she was there or not, if she ever moved away I don't know about it.

Q You don't know whether she was there in 1866 or not? A I can't swear positively she was there, no, sir.

Q There was she in 1867? A That I can't say, for it has been years back.

Q There was she in 1868? A Well she lived there in Iola or in the vicinity.

Q Well are you certain of that? A If they ever moved away I never knew it.

Q Well that don't answer my question? A Well I wouldn't swear positive.

Q Then you are not swearing where this woman Nancy Grubbs was in either of the years I have mentioned, '66 or '7 or '8? A I can't swear positively.

Q Where was she in 1870? A Well, I suppose she was in Iola.

Q Well do you know, can you swear that you saw her there? A I can't swear, I seen her there.

Q When? A Somewhere of times, from the time I became acquainted up to the present time if they ever moved away I never know it.

Q I am asking you where she was in 1870? A I can't tell you, I

wouldn't swear positively.

Q You will not swear whether she was there in 1870? A I say if she ever moved away I never knew of it, she has always been a resident of Iola as far as I know, and I saw them often.

Q Where do you live? A I live northwest of Iola about three miles, and part of the time I lived in Iola.

Q Were you a particular acquaintance of Nancy Grubbs, you have been talking about? A Why I have been very well acquainted with her for sometime.

Q Did you watch her movements closely? A No, sir, I didn't.

Q I will ask you if it is not a fact that she has lived away from there as much as five years at the time? A No, sir.

Q You are positive of that? A Positive of that.

Q Has she lived away from there as much as one year at the time?

A I can't say if she has, if she ever has I don't know it.

Q But you can't say she hasn't? A I wouldn't swear point blank that she hasn't.

Q You don't know whether or not she came down into the Cherokee Nation on Russell Creek in 1866, do you? A I can't swear positive.

Q Do you know of her living upon Vinegar Creek up close to Coffeyville in the Cherokee Nation? A No, sir.

Q Do you know whether she did or not? A I don't know, I don't know anything about Vinegar Creek.

Q I will ask you if she lived there? A I don't know; I answered the question that way, I don't know.

Q You say you don't know Nelson Grubbs? A No, sir.

Q You don't know whether he has lived in the Cherokee Nation all his life or not? A Don't know him, I don't know any of them by that name.

Q Now you don't know this man, do you (indicating Nelson Grubbs)?

A I can't see him.

Q He is right by the window and you ought to look at him; do you know him? A Well he looks like the Grubbs to me.

Q Well do you know him, do you know who he is? A Is it George?

Q Now you are positive? A Well he is in a little better shape, if he is George, than I have ever seen him.

Q You don't know whether the man sitting here is George Grubbs or not? A It is a pretty hard matter for me to place this fellow here.

Q I am asking you if ~~this~~ this fellow is George Grubbs? A I believe it is.

Q This man sitting here is George Grubbs? A I believe it is, it resembles him.

Q If it I would tell you it was Nelson Grubbs what would you say?

A He must be a brother of George then.

Q You never saw that man in Kansas then? A Don't believe I ever did.

Q This man is Nelson Grubbs and you will swear you never saw him in Iola Kansas, that you know of? A I don't think that I ever did, I never saw him that I know of, I can't tell him, it is a Grubbs though.

Q The only child of Nancy Grubbs then whom you know is George Grubbs? A George and Harry and Dick.

Q Where is Harry? A He is in Iola.

Q How old is he? A He must be probably 25 or more.

Q When did you see him in Iola? A I seen him there Saturday last.

Q What is he doing there? A He is in a livery barn.

Q For wages? A I suppose so.

Q Is he a single man? A No, sir.

Q Has a family? A Yes, sir, he has a wife, I don't know whether he has any children or not.

Q Well, where is George? A George, I saw him I think it was last Thursday.

Q Where did you see him? A In Iola.

Q What was he doing there? A Working.

Q What was he doing? A He was helping move a house.

Q How far is it from here to Iola, Kansas? A I don't know the exact distance, it is about 95 miles I suppose, something in the neighborhood.

Q Was he living there or just working there temporarily? A Why I don't know whether he lives in Iola or Humboldt, he lived in Humboldt last winter he told me, and I can't say whether he lives in Iola or Humboldt, he was working in Iola.

Mr. Hastings: Is Humboldt in Kansas? A Yes, sir, Allen County, Kansas.

Q Now Mr. Morris, as I understand you, you got acquainted with or learned to know these people about '63? A Yes, sir.

Q You saw them there last winter and some you saw the last few days ago? A Yes.

Q Between those two dates now have they lived there so far as you know? A So far as I know.

Q You never missed them? A Never missed them.

Mr. Mellette: Did you take it upon yourself to watch these people?

A No, sir, oh no.

Q They might have been gone a year at a time without you knowing it? A I don't think they would, they possible might have been, I didn't watch for anybody very close, it is not my business, my business is attending to my own business, but as I say, if they were away from there I never knew it; well I have known of her going to the Nation a time or two but not to move here, I don't know of her moving here, she has made a few trips, her and George both, I don't know that Harry has ever made a trip.

J. E. THORP, appearing before the commission and being duly sworn and examined, ~~examined~~ testified as follows:

Mr. Hastings: What is your name? A J. E. Thorp.

Q What is your age, Mr. Thorp? A 64.

Q Where do you live? A Iola.

Q Kansas? A Kansas, yes, sir.

Q How long have you lived in and about Iola, Kansas? A 44 years and a little upwards.

Q What is your occupation? A I have been a barber for the last 35 years, 32 years.

Q Do you know a colored woman by the name of Nancy Ross, or Nancy Grubbs? A So called, yes, sir.

Q Where did you know her? A Immediately west of Iola, across the river, in the first place, a little way from Iola.

Q About how far did she live from town when you first knew her?

A Two miles, two and a half, sir..

Q Well, about when did you learn to know her? A I think it was about '67, it was a year or more after I got home from service.

Q Where was she living? A West of the river a couple of miles from town.

Q How long did she continue to live at this place? A I can't say as to that, a year or two or three, I kept no count of it.

Q Where did she go from there? A Her family moved from there into town.

Q Well, did you know them after they came to town? A Yes, sir, that was the same as I knew other colored families, I knew of them.

Q Did you know the father and husband's name? A Mose I think.

Q You knew him? A Oh yes.

Q Did you know any other members of the family, the first names?

A I knew of their father's, but I didn't know but very few of their names, really I couldn't keep track enough of them, on their names, I knew several of the oldest ones, there are probably several of the younger ones that I didn't know, I knew their names, it is Grubbs, there is a family resemblance.

Q How long did you know them, up to what time did you know this

Nancy Ross or Grubbs? A Oh I have known her more or less all these years.

Q You know where she is now? A Well no I don't, my idea was that she was there at her home I guess, but I heard she is here in town now.

Q When did you last know of her being up there at her home? A Well as I said in the lower court this morning, I have no absolute knowledge of her being at home since her family was quarantined last winter.

Q Well you know of her then being there as late as last winter?

A Yes.

Q Now have you known of them ever since you have learned to know them a year or two after the war, up to last winter?

Mr. Mellette: It strikes me that is about as leading a question as it can be; I object to that question upon the ground of being leading.

Commission: The objection will be noted; let him answer the question.

A Practically so, sir.

Q How far did you live from them last winter, your residence?

A Last winter, I think about seven blocks, about that.

Q Did you know Ned Foreman? A I did know him in the years gone.

Q How long has it been since you have seen him? A I can't tell you, I don't remember much of having seen Foreman very much since he married, he lives out east of town some six or eight or ten miles, maybe eight or ten or fifteen years ago, maybe longer.

Q Did you ever know Kizzie, a girl? A I knew of her, knew her by sight.

Q Did you know her husband? A I don't remember whether I did or not, no I didn't.

Q Did you know George Ross or George Grubbs? A Well now I can't state that except from what I heard in the preliminary examination when we referred to her having married Newman.

Q You don't know about that? A I probably knew of it at the time, but it has escaped my memory; the probabilities are I did know of it at the time.

Q Well through these years did you ever know of this family moving away from there? A No, I have no knowledge of their ever moving away, not to my knowledge; they might have been gone at times for a couple or two or three months or perhaps a greater period of time, but I wasn't aware of it at all.

Q Could it have been possible for this woman and her family to have lived here ever since '66 in the Cherokee Nation? A Well scarcely.

Q If she swears that she moved here in '66 and lived here ever since, she is mistaken? A Well I rather think so; that would be my idea of it; profoundly mistaken.

Mr. Mellette: Where is that preliminary court you talk about?

A In the room below here.

Q What makes you call it a court? A I don't know whether it was a court or not.

Q Didn't they tell you that that is just the attorneys for the Cherokee Nation? A I don't know, perhaps they did.

Q Why did you come down here? A I was subpoenaed.

Q What kind of subpoena was served on you? A The same as the balance I presume.

Q Now what kind of subpoena was served on you, who signed that subpoena? A I think it was Mr. Keys.

Q Don't you know that subpoena isn't legal? A I don't know anything about it.

Q Do you people up there think that subpoena is binding on you folks to come down here? A That is the impression we got.

Q Why do you have that idea?

Mr. Hastings: What is the use of going into that; I

am going to object to that.

Mr. Mellette: I simply want to know what kind of subpoena is being served on these people, whether they are coming of their own accord and voluntarily to appear as witnesses in these cases or whether they are coming in obedience to a legal subpoena and if the subpoena served on them is a legal one, and if not, I want to know who signs it, by what process they are brought here, if they are voluntarily appearing as witnesses; it is a question that goes to their credibility; if otherwise, why they are entitled to know it. I simply want to know how this man is being brought here, upon what kind of a subpoena.

Mr. Hastings: If the Commission pleases, it is enough for the attorney for the applicant to know that a subpoena was regularly issued and that this man was brought here; he was brought here at our instance, we subpoenaed him, he is here to give testimony on behalf of the Cherokee Nation. Now what would it avail him, what business is it of his to go into the question of the legality or illegality of the subpoenas issued by the Cherokee Nation? That is a legal question that this Commission don't know anything about nor would it be of any benefit to them in this case to investigate it; it is simply a side question. For the gentleman's information, I might say the Cherokee Nation passed a law authorizing the employment of attorneys before this Commission, and that same law authorizes the issuance of these subpoenas by the attorneys for the Cherokee Nation, and these subpoenas were issued by the Cherokee Nation in obedience to that law, and these were served by people qualified to serve them upon these outside witnesses. It don't affect whether Nancy Grubbs came back here after the war, or whether she continued to reside here after that time.

Commissioner Brookinridge: I have no occasion to go into the question of the sufficiency of these subpoenas when served in the State of Kansas. If the witnesses themselves choose to raise the question and refuse to come, it would then arise before a court of competent jurisdiction. There has been a law passed by the Cherokee Nation and approved by the President of the United States providing for all these processes, and so long as these witnesses are here, the only point in which I am concerned would be the weight of their testimony. Even if they came without any subpoena, it is a question of the value of their testimony. A great many of the witnesses here come without any subpoena; they are selected from the crowd at the time. If the service of a subpoena is necessary for the proper accounting of the business to enable the Cherokee Nation to pay their mileage and per diem, I don't see any objection to it. I overrule any objection that seeks to exclude evidence upon ground of that character, and that evidence will be received, and as for going into the technical question of the subpoena, I see no occasion for that. I want to proceed upon the merits of the case and the value of the testimony. If you want to impeach the witness as to his integrity and character, why take steps to that effect; otherwise I consider the question as of no probable bearing or force. Counsel can put in the record any objection that he likes, but the case will proceed and the matter will be considered by the full Commission when opportunity is offered.

Mr. Mellette: Now Mr. Thorp, where was Nancy Grubbs in 1868? I think she was west of the river at that time living up there on a place they had rented.

Q Well, do you know where she was, can you swear where she was?

A I don't remember, I wouldn't say for certain that I was at their house in '68, but I think it was about in '67.

Q Well, are you willing to swear that you were at her house in '67?

A Oh I think I might, yes, sir.

Q Now if she swore that in 1867 she was in this country and went from Russell Creek up to Vinegar Creek, she is mistaken, is she?

A I think so, probably.

Q Now, you swear positively she is mistaken? A I think she was mistaken, I wouldn't say positively, but I think so just the same.

Q When did you get back from the army you spoke of? A I got home Christmas after, '65.

Q You said you saw her a year or two after you got back? A Yes, sir.

Q Well, was it one year or two? A I can't say as to that. I was hauling some wood for some man, over to a neighbor living just west of them, and I frequently went clear around by their house in order to avoid crossing two bad places.

Q But you can't say whether it was one or two years after you came back after the war, how do you know where she was in 1867?

A I was passing there and saw the old lady; I think on one occasion I saw her husband planting potatoes.

Q I am not talking about the old gentleman? A Well I saw the members of the family there and while not being absolutely close enough, still I had plenty good eyes those days, that is my recollection, that I thought I recognized the old lady, I might have been mistaken but it is scarcely possible.

Q Was that two years after you came back after the war? A I don't think it was, inside of two years, no, sir, about two years, it was in the spring time I was hauling this wood from Mr. Elmer Reagan's farm, H. L. Reagan.

Q Did you know a child of Nancy Grubbs named Martha? A I don't think I did.

Q Do you know whether the Nancy Grubbs you have been talking about is the Nancy Grubbs who has applied here, or the Nancy Ross who has applied here for enrollment as a Cherokee Freedman? A I can't say, just as I said in the lower room, whether a court or not, but I don't recollect ever having heard her called Nancy Ross at all.

Q But you don't know that the applicant here is the woman you have been talking about? A No, I know Mrs. Grubbs of course; whether she is the woman Ross or not now I don't know.

Q And whether she is the applicant or not you don't know? Why if her name is Grubbs I presume it is the applicant.

Q Well, was there ever more than one Grubbs in the State?

A There was no more that lived there to my knowledge.

Q I saw, do you swear that the Nancy Ross who has applied here for enrollment is the Nancy Grubbs you have been talking about; do you? A I think that it is all one and the same person.

Q Do you know who has applied here as Nancy Ross for enrollment?

A I don't know, I have been informed.

Q I am not talking about what you have been informed; do you know who has applied here as Nancy Ross? A No, I do not.

Q Then do you know whether the Nancy Ross who has applied here is the Nancy Grubbs you are talking about? A I can't say it only in the way of a presumption, I took it granted of course in the way of a presumption it is the same.

Q Do you know Harry Grubbs? A Oh I have known of him I think.

Q Where was he born? A I can't say as to that.

Q Was he born in the Cherokee Nation? A I can't tell you.

Q You don't know whether he was born in the Cherokee Nation or not? A No, sir.

Q Well, if he was born in the Cherokee Nation, Nancy Grubbs was here at the time, wasn't she? A Probably was; probably was, without me must have been born at pretty long range.

Q Where did Mose Grubbs die? A Well sir, I think he died in Iowa.

Q You swear that? A No, I don't, because I don't absolutely know outside of hearsay, that is how.

Q Now didn't he die in Fort Scott? A I can't tell you sir.

Q Did you keep your eye on Nancy Grubbs all the time to know whether she came down here to the Territory? A For several years

I passed her door, some 12 or 14 years, on the way to my home, passed three or four times a day.

Q Was she at home all the time? A She might have been, I can't say as to that, I know I saw her frequently though; I might not have seen her for a ~~month~~ week or two weeks, but I wasn't aware by hearsay or otherwise of her being absent from there.

Q Well, you didn't make inquiry, did you, as to whether she was absent or not? A No, no.

Q She might have been absent and you not hear about it? A Possibly, she might have been absent ~~in~~ very frequently that I don't know of, possibly, for short periods, I think two or three or four days; I knew her and three or four boys, and I have some slight knowledge of a girl or two, I don't remember how many.

Q Where was George born? A I can't tell you where any of them was born, I can't tell you whether they were born in the Cherokee Nation or Vinegar Creek or anywhere.

Mr. Hastings: I believe you stated that you passed their door three or four times a day for 12 or 14 years? A On my way from home to my shop, unless the weather was too extremely hot or stormy, I passed the door in going to my work and to my meals and back home again at night.

Q And during that time you never missed this woman? A Oh she was probably absent sometimes for a few days that I don't know anything of it, I know nothing of her being away.

M. G. ROBINSON, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A M. G. Robinson.

Q Where do you live? A At Iola, Kansas.

Q How long has Iola been your home? A Since the spring of '70.

Q Did you know a colored woman up there by the name of Nancy Grubbs or Nancy Ross? A Well, she was generally known as Nancy Grubbs.

Q I saw you know her? A Yes, sir.

Q About when did you learn to know her? A I don't know just how soon, it wasn't so very long after I came there, I can't say now just how long.

Q Now how long have you known her since, up to what time? A What I mean in a general way, knew their family in town, it has been my understanding they were there or some of the family all the time, or most of the time, well all the time; what I mean is some of the family.

Q Did you know her husband? A Yes, sir.

Q What was his name? A Mose, that is, he always went by the name of Moses Grubbs.

Q Well, did you know any of their children? A Yes, sir.

Q What was some of their names? A Well, there was one that was called, sometimes Ned Foreman, and some called him Ned Grubbs, and then there was George Grubbs and Kizzie Grubbs and Dick Grubbs, that was among the older children.

Q Do you know this one here (indicating Nelson Grubbs)? A This one here I believe yes, I am not sure whether it is George or Dick, one that they called Dick Grubbs.

Q Was there one they called Dick? A Yes, sir.

Q Do you know any other name for Dick? A No, that was the general name he went by.

Q Do you know where Dick went to school? A Yes, sir, he went to school there at Iola; that is the same, he went to school there, he graduated there at the High School, that is my remembrance.

Q Did you know one they called Nelson, or did they have one by that name? A I don't remember one by that name, being called that.

Q You live in town? A Yes, sir.

Q What is your occupation? A Wagon maker, I run the whole thing, but then wagon making is my trade, wood work rather.

Q Where did these people live when you first knew them? A They were living west of the river on a farm there.

Q About how far from Iola? A Well it is somewhere, that is to go out where they lived, it would have been along about close to two miles, a mile and a half or two miles.

Q They lived there when you first learned to know them? A Yes, sir.

Q How long did they live over there before they moved to town? A I can't tell you, they lived there, it must have been they lived there in town, well from fifteen to twenty years anyhow.

Q In town? A In town; of course I had nothing to particularly call my attention to the time they came in.

Q Did you see them there as you saw other people? A Oh yes, the same as I would other people, that is all.

Q Did they ever work for you, any of the family? A One of the girls worked for us some, but I don't remember now which one it was.

Q Did you know one they called Harry? A I don't remember him, not by that name.

Q Did you know one by the name of Kizzie, a girl? A Yes, sir.

Q Know whether she is married or not? A Yes, sir, I think she is, that is my understanding.

Q Do you know her husband? A Yes, sir, Newman I believe, that is my remembrance now, that she married Newman.

Q You know where Newman lives? A I think he is living there in Iola.

Q You have never missed her? A I haven't missed her, no, sir.

Q Well, when was the last time you saw any of this family up there?

A Well it is hard to tell now, it seems to me that it has been a good while; last winter they had the smallpox there; I wasn't down there, but then that was the talk, they had it, that was the report.

Q Were they living in town then? A Yes, sir, same place they have been living ever since they have been there in town.

Mr. Mellette: Well, where was this woman whom you call Nancy Grubbs in 1875? A Well my remembrance is that she was there; that is, out on the farm, out west of town, that is, they were living on the farm there.

Q Do you know whether she wasn't down in the Cherokee Nation at that time? A No, sir, I don't; that is, not at that time.

Q Isn't it a fact that two of the children have always lived up there, Harry and Arthur of these applying for citizenship in the Nation, and that the other people come up there to visit them sometimes? A That I don't know, that is, about the living there, that is, I don't know that they have been away, I don't know that they have been away; my understanding is that they have been there.

Q I am not talking about your understanding? A Why I say I don't know that they haven't been away some.

Q You made the remark a while ago, that some of the family were there all the time? A Yes, sir.

Q Now what did you mean by that? A Well that the family, that is, that where they were living that the family was there.

Q Own any property? A Owned that farm.

Q All the family? A The Grubbs, that is, Nancy, and my understanding is, rather that that was her home.

Q You don't know that she was there all the time? A No, sir.

Q The children all lived there too, didn't they? A Well I think so, that is, those that I have mentioned.

Q Well Harry and Arthur? A Well Harry, yes, sir, I think so.

Q But you don't pretend to say that the old lady, Nancy Grubbs, has made that her home all the time? A Not all the time, no, sir.

Q Do you know anything about her living up on Vinegar Creek in the Cherokee Nation? A No, sir, I don't.

Q Do you know anything about her ever coming to the Cherokee Nation?

A No, sir, only just of the reports is all.

Q Then you did hear reports? A I have heard that she has been here a few times.

Q And she might have been here when you didn't hear of it? A Yes, sir.

Q You moved to that country in 1870? A 1870, yes, sir.

Q And you know nothing about Nancy Grubbs or her family before that time? A No, sir.

Q How long have you lived there, before you became acquainted with her? A I don't think it was a great while afterwards, I had just been there, just done some work for Mr. Grubbs, but I can't tell you now just how long, or how soon it was, it wasn't a great while after I went there.

Q One year or two years? A I am satisfied it was inside of two years.

H. P. GRAY, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A H. P. Gray.

Q What is your postoffice address? A Iola, Kansas.

Q How long has that been your postoffice, or home? A 23 years last December.

Q You know Nancy Grubbs, or Nancy Ross? A Yes, sir.

Q How long have you known her? A Well, I have known her for 25 years maybe now, I got acquainted with the Grubbs family right after I got there.

Q Where were they living when you got acquainted with them? A They were living in a little cabin a mile and a half west and a mile north of Iola.

Q Did they afterwards move to town? A Yes, sir.

Q Did you know them after they moved there? A Yes, sir, they lived on the same street that I did, about six blocks south.

Q Now how long have they lived there? A Well, it is right close to 20 years, I wouldn't like to say because I didn't make any note of it.

Q Well, your best judgment as to the time? A My best judgment is it is eighteen years last spring since they moved in there.

Q You know where they moved from when they moved to town? A Yes, sir, they moved from that cabin.

Q Did you Nancy Ross' or Nancy Grubbs' husband, what his name was? A Mose Grubbs, yes, that is the fellow that I supposed was the husband.

Q Did you know any of the children? A Yes, sir.

Q Name some of them? A Well the oldest one was Lou I think that is the oldest one, and the next was Kiz, I may be mistaken now, I don't swear I know exactly, but Kiz and Dick - oh confound it I forget the other names, I would know it if I would hear it, but I don't recollect the names; they were the oldest; well George was older than Dick, George was next to Kiz according to my best judgment; he is about 28 years old I should think.

Q George married? A He has been once or twice, I don't know whether he has got a wife now or not.

Q Do you know where he lives? A No, I do not, I saw him this summer but I don't know where he lives.

Q Where did you see him? A He was there at Iola a few days.

Q Where is Ned Foreman? A Ned Foreman, he is down in this way or some other Nation, I forget, down here.

Q Do you know how long he has been away from up there? A About some three or four years ago last fall when he left there.

Q Where is this old woman, Nancy? A She lives there in town, I think, when she is at home, she is away some, she was down here about a year or two or three years ago, down in this country somewhere, close to this town.

Q Did you hear of the strip payment about that time? A Yes, she came about that time, her and all the balance of them up there, pretty near all.

Q Well I believe you said you got acquainted with them about '78? A Yes.

Q Have you known her since that time? A Yes, sir, I have always known her ever since that.

Q I believe you said they moved to town about

Q I believe you said they moved to town about 18 years ago, to the best of your judgment? A I think that is about it.

Q You know whether Kizzie is married or not? A I do not.

Q Do you know whether they had the smallpox in their family last winter or not? A I think they did, I was told them had by the Marshal, that is the man that told me, I didn't go down to see, for I had no use for the small pox.

Q Mr. Gray, do you know this one (indicating Nelson Ross.)? A Yes, I do now, he looks like Uncle Mose.

Q Looks like his father, does he? A Yes, it has been a long time since I have seen him to know him, I wouldn't have known him to meet him out on the streets, wouldn't have known him.

Q What did they call him up there? A I can't tell you now, but there is half of the fellows there, especially among the colored fellows had some kind of a nick name that nobody else don't know who they were except by that name.

Q But you just recognize him as a Grubbs? A Yes, sir.

Mr. Mellette: Well, who is this man sitting here (Nelson Ross.)?

A He is one of the Grubbs family.

Q You swear that? A Well, I have always been told he was, and he used to live with them.

Q Well he hasn't been up in that country for a good many years, has he? A Oh I don't know, it hasn't been a great many years since he was there.

Q Did he go to school there? A Yes, sir.

Q How far is it from Iola to the Cherokee line? A Well sir, I can't tell you.

Q About how far? A Why I should think it is right close to ninety miles, I may be away yonder mistaken because I never was over the road except I came down here the other night and I came all the time in the night.

Q Isn't it a fact it is about 60 miles? A Well it ought to be farther than that.

Q Well how long does it take to come from Iola to the Cherokee Nation? A It took me from eight o'clock in the morning till 5:15 the next morning to come here, but the biggest part of it was lying over waiting for trains.

Q How far is from here to where you live? A I don't know, I can't say anything about the distance, I never was over the road, I can't say.

Q What railroad do you live on? A I live on the Santa Fe and Missouri Pacific, they cross there at Iola.

Q How far do you live from Coffeyville? A I don't know.

Q About how far? A I can't tell you for I never was over that country and never paid no attention to it.

Q You don't live over fifty miles from Coffeyville? A Why I would think so.

Q Well, where did Nancy Grubbs live in 1875? A I can't tell you.

Q Where did Nancy Grubbs live in 1885? A She lived in town, I think.

Q Do you know that she lived there? A Well -

Q Do you know whether she was there at all during the year 1885?

A In that country, yes, sir.

Q You swear she was there during that year? A Yes, sir.

Q Did you see her? A There never has been a month I didn't know, that I didn't see her, only when she was down here about three years ago.

Q Well, we will confine ourselves to the year 1885 please; did you see her in 1885? A Well I don't know, I can't tell you, but they didn't live on their farm then, out in the country then.

Q Well, will you swear that you saw Nancy Grubbs at Iola in 1885?

A I wouldn't answer that question, for I don't recollect.

Q Did you see her in 1886? A Oh I don't know what years I have seen her in, I never missed her from there, I don't recollect about the years.

Q Would you be likely to miss her if she would go away from home?

A Well I would suppose so.

Q Why? A Because I saw her frequently and she washed a great deal, or used to.

Q Well, is there any reason why you should keep track of her?

A Nothing only that she is an old settler there and I got acquainted with them when I first came to the country.

Q Do you pretend to say that Nancy Grubbs couldn't have been away from that town for six months without you knowing it? A No, I would not say that, most anybody could have been away from that town and we not know it, not know anything about it, but the family hasn't been away from there.

Q What do you mean by the family? A Why the children generally.

Q Well now name the children that you mean by saying the family?

A Well, Lou I guess, Lou has been away from the last several years, she died, she was Gravens' wife, she was Wash Ross' wife in the first place when I first knew her.

Q Now we are talking about Nancy Grubbs and not her family and I want to know whether you can swear that she hasn't been there all the time since you knew her, or not? A Well she has a great deal, the biggest part of the time, but I wouldn't say she hasn't been there all the time, I recollect once that she was at Fort Scott some little time but I don't recollect how long that was, the majority of the years since I have been there I run a meat market, I used to deal with the Grubbs when they had any meat to buy of me, and they usually bought meat right along, more or less.

Q Isn't it a fact that Nancy Grubbs hasn't kept house for twenty or thirty years? A No, it is not.

Q That the older children who lived in Iowa kept the house there, Harry and Arthur? A Well they might have kept the house a great deal of the time, but Nancy Grubbs has been there.

Q You don't say she ever kept that as her house, she kept the house, run the house? A Why yes, I suppose so, she lived there.

Q Well, didn't she live there with her older children, Arthur and Harry? A Well now that is a question, whether she lived with them or them with her, I don't know how that was, but they all lived there.

Mr. Hastings: Now you have known them since '75 I believe? A Yes, sir.

Q Now how often, or about how often, have you seen them since that time? A Why I used to see them of course there near every week day, she nearly always came to town when she lived out in the country and washed every day, old Uncle Mose used to fetch her to town frequently and when he didn't she came about, and back home; she has washed for my folks lots of times.

Q Well, how frequently did you see her after she came to town? A Oh pretty near every big occasion, especially any sort of a social, she would always help the woman, everybody called her Aunt Nancy, she was known by that and nothing else.

Q Did you ever miss her for any considerable length of time? A No, I never missed her away from there any great length of time.

Mr. Mellette: Could she have been away from there without you missing her? A Oh she might, yes, sir, I don't suppose she was gone; she was a very popular colored woman among the women folks.

Commissioner: This testimony in this case will be made part of the record on Freedmen D-632, D-1020, D-1023, D-1009, D-316.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 19th of October, 1901.

[Signature]

Commissioner

File with Daniel Lynch C. F. D. 316

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I. T. October 9, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Jesse Varn,
C. F. D. 254.

Appearance.

W. W. Hastings for the Cherokee Nation.
Applicant present in person.

J. L. Lynch being first duly sworn by Com'r T. B. Needles,
testified as follows on the part of the Cherokee Nation:

(By W. W. Hastings)

Q What is your name? A C. L. Lynch.

Q What is your age? A 60.

Q What is your post office address? A Stillwell.

Q What is your father's name? A J. M. Lynch.

Q Where were you living before the war? A Over ther on Grand river in
Saline district, Cherokee Nation.

Q In the north end of Saline? A Yes sir.

Q Was your father dead at that time—before the war? A He died in '61,
whe the war come up.

Q Did a colored man belong to your family named Steve Henry or Steve
Lynch? A Yes sir.

Q What name did he go by? A Steve.

Q Did he have some children? A Yes sir.

Q Do you know any of their names? A He had one named Jennie and a
step son named Jess.

Q Did he have any more step children before the war? A Will.

Q Who did the man belong to? A My father when the war come up.

Q Where did you go during the war? A I went south.

Q What was the mother's name, of Jess and Will? A Peggie.

Q You went south during the war? A Yes sir to Missouri and Texas.

Q Well, did you own any property in the north end of Saline district
when the war come up? A Yes sir.

Q When did you come back after the war? A February '67.

Q Where to? A I come back to Saline district and to different district.

Q To your old home? A Yes sir.

Q For what purpose? A I had no interest there.

Q How long did you stay there in February of '67? A I dont recollect
exactly how long I staid there; not right on the old place very long.

Q I mean in that neighborhood? A 2 or 3 months I reckon.

Q Did you see anything of your old slave Steve? A I dont recollect
seeing him at that time in '67.

Q Was he living on the old place at that time? A No sir he wasn't.

Q What did you do with the place? A Sold it.

Q When? A I dont recollect.

Q What did you do with it that year you first come there? A Rented it.

Q Who to? A Mr. Scraper.

Q George Scraper? A Yes sir.

Q Is that George Clark's father-in-law? A Yes sir.

Q Now you say you were there for two or three months that time?

A Yes sir longer than that off and on, I went to Flint district and
back again between '67 and '68.

Q Did you meet any of your old slaves there? A Yes sir.

Q Well, what name of them you remember? A Met Steve Anderson, Art
and one named George, and Simon's family and and old lady named Peggie.

Q Do you remember Anderson pretty well? A Yes sir.

Q What other name did he go by? A Orup.

Q Did you rent him a part of that place that year? A Yes sir, I had
a little place of my own that I rented him.

Q Separate place? A Yes sir.

(By Mr. L. B. Bell, Cherokee Representative)

Q What was that place you rented to him called? A The Harrison place.

Q Where was that? A 2 and a half miled below, on the river.

Q Above or below Island Ford? A Below.

Q How long did Crap stay there? A I dont know exactly.

Q Did you sell it to him afterwards? A Yes sir.

Q When? A The fall of '67.

Q Was you there when Crap made a crop there? A Yes sir.

Q Did this Steve help him make that crop? A No sir, he wasn't there when I rented that place.

Q What was Peggie's name---Steve's wife? A Indian Peggie.

Q You had two Peggie's as slaves? A Yes sir.

Q Steve had a wife before he married Peggie? A Yes sir.

Q What was her name? A Hannah.

Q Did you see any of Steve's family? A No sir.

Q Neither his wife nor children? A No sir not at that time.

Q When did you first see Steve up there? A I cant say exactly, some time in '68, but I dont know when he came there.

(By the Commission)

Q Who did Steve Lynch belong to? A Joe M. Lynch.

Q Did you know Jess Vann, his step son? A Yes sir.

Q Was he a slave? A Yes sir.

Q Who did he belong to? A J. M. Lynch.

Q Where did they go during the war? A North, I understand.

Q Do you know when they returned? A No sir.

Q The first time you saw them was in '68? A Yes sir.

Q Where they were in '68 you don't know? A No sir.

Q What time did you sell Anderson Lynch the old Harrison place? A I don't recollect exactly, I rented it to him in '67 and I think I sold it to him in the fall or winter of '67.

Q Are you sure of that? A To the best of my recollection.

Q When did you come back yourself? A '67.

Q You went out during the war? A Yes sir.

WALTER WEST, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Mr. L. B. Bell)

Q What is your name? A Walter West.

Q What is your age? A Spavinaw

Q Are you citizen of the Cherokee Nation? A Yes sir.

Q How long have you been that? A Little over six years.

Q Where did you live at during the beginning of the war? A I lived on Spavanaw.

Q That might be most anywhere; don't you know what State, Nation or where?

A Saline District, Cherokee Nation.

Q Did you go out of the country during the war? A Yes sir.

Q Where did you go? A South.

Q When did you return to the Cherokee Nation after the close of the war? A Spring of '66 that is when I came here.

Q Where did you settle---did you settle where you are now? A No sir I camped in a tent on the old Military road on the Neosho river the first place.

Q Where did you get a house to live in? A I had a tent then.

Q Well, when did you quit the tent and go to living in a house? A As well as I can recollect it was the winter of '66 I got my lumber and in the spring of '67 I built.

Q Where? A On the Military road below Cabin creek in Delaware district.

Q How far from where the Military road crosses Cabin creek? A About a half a mile.

Q Were you acquainted with old man Joe Lynch in Saline district, Cherokee Nation? A Yes sir.

Q Did you know a colored man named Steven? A Yes sir.
 Q Did you know his family? A Not just that time.
 Q Did you ever meet him after the war? A Yes sir.
 Q In the Cherokee Nation? A Yes sir.
 Q Where and when? A Spring of '68, February or March at the old Lynch farm.
 Q Was he living there then? He told me he had just moved in the day before, I rode up to the fence and he came out on the porch and I never got off my horse.
 Q Where did he tell you he came from? A From Kansas, he said.
 Q What time in the spring of '68? A Yes sir.
 Q Was that the first time you saw him there? A Yes sir.
 Q Did he have any family with him then? A I never saw any, I never got off my horse as I never had no business there, just rode up to the fence and talked with him.
 Q Do you know this applicant here, Jesse Vann? A I do now, but I didn't at that time.
 Q Did you know at that time that he was Steve Lynch's step son? A No sir.
 Q When did you learn that? A Afterwards.
 Q How far is it from where you live to where Steve Lynch stopped that time? A Two and a half or three miles.
 Q How far from the mouth of Cabin creek was that to where you lived? A About two and a half miles.
 Q You met him on the east side of Grand river did you? A Yes sir.
 Q What place did you say it was? A The old Lynch place.
 (By applicant of witness)
 Q In the first place I would like to know where was Steve Lynch living when you moved there and went to hauling that lumber for to build that house? A He was in Kansas I reckon, that is what he said.
 (That is what he said (This question cut out by request of applicant)
 Q Next question: When you met Steve Henry, did you know where he was living at that time? A He didn't have any place at that time.
 Q I understood that you didn't have any business to get down off'en you horse so how could you know he had no place? A Well that was Lynch's house where I saw him.
 Q I want to know if this Steve Henry told you what place he was living on at that time? A He never told me that—I told you that he said he had just moved in the day before.
 Q You say you met him on the Lynch farm when he first came in? A I didn't meet him, I rode by there and stopped and he was there at the house.
 Q Was he horseback or standing? A He was standing on his feet talking to me.
 Q Where did you live at that time? A This side of the river.
 Q In a house? A Yes sir.
 Q How far from Grand river? A Two and a half mibs.
 Q You never knew this woman that they called Indian Peggie before the war did you? A Yes sir.
 Q Who did she belong to before she belonged to Joe Lynch? A To a full blood Indian who lived on Rose Prairie named Watt Stopp.
 Q Do you know when Lynch bought her? A Just before the war.
 Q Then you knowed the whole family all but the children? A I knowed Steve and Peggie.
 Q When Peggie was sold did she have any children? A I dont remember how many children she had.
 Q Don't remember? A (No response)
 Q How long did you know her before the war? A I knowed her about 5 or 6 years maybe longer.
 Q You know that she belonged to some full blood before the war but didn't know his name? A I told you it was Watt Stopp.
 Q How far did you live from him? A 4 or 5 miles.
 Q How long did you know him? A I never went to his house except when he was preaching, he and my grandfather used to preach together and I went there then.

(By the Commission)

Q You knew Steve Lynch before the war? A Yes sir.

Q He was a slave? A Yes sir.

Q You didn't know Jesse Vann, his step son? A No sir not until after the war.

Q All you know of Steve Lynch's returned to the Cherokee Nation is what he told you? A Yes sir.

Q All you know of where he lived before his return was what he told you? A Yes sir.

Q Peggie, Indian Peggie, was his wife? A Yes sir.

Q Was she there when you saw him first? A I never saw her that morning, I saw her a few weeks afterwards.

(By Bell)

Q Where did Steve Henry settle after '68? A On the south side of Grand river, or east you might call it, below Island Ford two miles.

Q How far from the Lynch place where you first saw him? A Mile and a half.

(By the Commission)

Q Is this Steve Henry and Steve Lynch the same man? A Yes sir.

Q You have no doubt in your own mind as to this being in '68? A No sir

Q You were out yourself during the war? A Yes sir.

Q When did you return? A In '66.

Q And you are satisfied that it was two years after you returned that you saw him? A Yes sir.

GEORGE W. CLARK being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Hastings)

Q What is your name? A George W. Clark.

Q What is your age? A 58.

Q Are you a citizen of the Cherokee Nation by blood? A Yes sir.

Q Did you live in the Cherokee Nation before the war? A Yes sir, all my life.

Q Were you in the Northern army during the war? A Yes sir.

Q Where did you locate just after the war? A On Lynches Prairie, Saline District, Cherokee Nation.

Q On Grand river? A Yes sir in the neighborhood where I am living now.

Q Did you know old man Joe Lynch before the war—father of Lon Lynch? A Yes sir.

Q Do you know this Lon Lynch who just testified in this case? A Yes sir

Q Did you know a slave that belonged to the family named Steve Lynch or Henry? A Yes sir, I knowed him before Lynch owned him, as Buffington.

Q Did you know his wife, Peggie? A I know her after the war.

Q Didn't know her before the war? A No sir.

Q Did you know their children? A Yes sir.

Q Name some of them? A I seed a couple of them—her children—my understanding was that they was her children—uncle Steve's step children, one was named Jess and one was named Willie.

Q What time did you come back here after the war? A As soon as I was musteredd but I came back there and married and have been there ever since.

Q Come back when? A '65.

Q Who owned that place before the war that you went to when you returned? A Joe Lynch, during the war the Northern Indians sold the Southern Indian places and my father in law bought it.

Q Where did you live in '65? A Right below my father in law, four miles below him.

Q Where did your father in law live in '65? A On the Joe Lynch place.

Q What was your father in law's name? A George W. Seraper.

Q He is dead now? A Yes sir.

Q When did you first see this Steve Lynch or Henry after the war? A He

came on a visit down there in the fall of '67 and stopped there with some other colored people that belonged to the Lynch family, George and Simon.

Q Was his family there? A No sir he was on a visit by himself.

Q Did you see him? A Yes sir.

Q Where did he say he was from? A Kansas.

Q Where was his family then? A He said in Kansas.

Q What was in '67? A Yes sir.

Q When did you next see him? A Fall of '68.

Q Was his family there then? A Yes sir.

Q You know this family well do you? A Yes sir, they live close to me.

Q How far do they live from you? A 5 or 4 miles, from where I lived then and now three and a half miles according to the measure line.

Q This is the same Steve? A Yes sir the same one.

Q Same one that you had a talk with in the fall of '67? A Yes sir. There was a colored man that used to belong to uncle Joe that was named George and he was a blacksmith and had a shop up there and did the neighborhood blacksmithing, I saw Steve there when I went to have some blacksmithing done.

Q He never made a crop on the old Joe Lynch place in '66? A No sir, my father in law made a crop there that year.

(By E. B. Bell)

Q Did he make a crop on the Harrison place in '66? A No sir it was a vacant place then, no one lived on it.

(By applicant of witness)

Q How long before you saw Steve Henry before you moved to the Dirteater place? A I moved to the Dirteater place before '66.

Q When you didn't know Steve Henry before you moved to the Dirteater place? A Yes sir I knew him before the war.

(By the Commission)

Q Did you know this applicant here? A Yes sir I knew him.

Q Was he up there at that time? A Yes sir they was the old lady's boys, my understanding is that these two boys is only step children of old uncle Steve.

Q Did you know these two boys before the war? A No sir.

Q If Steve came there into the country and located a place before that you don't know it? A No sir.

Q The first time you saw him was in '67? A Yes sir after the war.

Q He had been a slave? A Yes sir, belonged to Buffington before he belonged to Lynch.

This will be filed in the following Cherokee Freedmen doubtful cases: D-254; D-316; D-180; D-651; D-234 and D-300.

Chas. von Weiss, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes.

subscribed and sworn to before me this 12th of October, 1901.

Chas. von Weiss

(Seal)

Commissioner.

File with Cherokee Freedmen D-316, Daniel Lynch et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of Jesse Vann et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the Applicants:

Appearances:

L. T. Brown, Agent for applicants;

J. S. Davenport, of counsel for Cherokee Nation.

ALLEN LYNCH, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Allen Lynch.

Q How old are you? A 51 years old.

Q What is your postoffice? A Vinita.

Q How long have you lived in the Cherokee Nation? A Well, I have lived here all my life pretty near.

By L. T. Brown: Are you a recognized citizen of the Cherokee Nation?

A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A Yes, sir.

Q Do you know the applicant, Jesse Vann? A Yes, sir, I know him.

Q Has he any brothers or sisters? A Yes, sir.

Q Name them please? A Well, there is Bill Vann and Dan Henry.

Q Is he known by any other name than Henry? A Well they call him Dan Lynch, or Dan Steve, he is a son of Stephen Lynch.

Q What was Jesse Vann's father's name? A Bill Vann.

Q Jesse Vann's father's name was Bill Vann? A Yes, sir.

Q What was Dan Lynch's father's name? A Steve Lynch.

Q What relation is Dan Lynch to Jesse Vann? A Half brothers.

Q Jesse Vann and Dan Lynch had the same mother? A Same mother.

Q What was her name? A Peggy Lynch.

Q At the close of the war, with whom was Steve Lynch living? A At the close of the war Steve Lynch was in Kansas.

Q With whom was he living as his wife? A Peggy Lynch, that is the mother of Bill and Jesse.

Q Is she also the mother of Dan? A Yes, sir.

Q Do you know when Steve Lynch returned to the Cherokee Nation after the close of the civil war? A Yes, I know the first time he came down.

Q Please state when? A Well he came down in the fall of '66, I can't tell just exactly what time.

Q No go ahead Mr. Lynch and relate the circumstance of his coming?

A Well he came down here and some other men and stayed down here a week or ten days resting up their horses, and then went back to Kansas; first they went and improved them a claim and afterward somebody took it away from him when he came back, but Crap went with him Christmas and helped them move down, but what time they got down here I can't tell.

Q What Crap is that you speak of? A Crap Lynch.

Q This you say was in the fall or winter of '66? A Just in the fall before it got cold weather.

Q Now after he went back to Kansas during that year, did he ever return? A That I don't know, I don't know when he got back.

Q Did he return? A Yes, sir, he got back.

Q After his return the second time did he continue to live in the Cherokee Nation until his death? A Yes, sir.

By J. S. Davenport: Is Crap Lynch sometimes known as Anderson Lynch?

A Yes, sir.

Q When did Anderson Lynch come back to the Cherokee Nation? A Anderson Lynch came back in '66 or I recollect just right.

Q Well when this applicant, Jesse Vann, came back, where was you living? A Steve Lynch I was living with.

Q Well, where was this applicant at that time? A He was back in Kansas with his mother, the children was back in Kansas when the old man came.

Q Well, where was Jess Watt? A He was living with the old man, his stepfather: Steve Lynch was his stepfather.

Q Well, where was you living when this applicant in this case came to the Cherokee Nation? A Jess; I was living out there about ten miles, about that; I don't know when they did come down here, I can't tell you just when Jess did come; I know when the old man came.

Q When did the old man come? A He came along in the fall, before Christmas, and him and Crap went back to move down; I don't know just when he got back.

Q He came back down here with his family sometime after George Clark moved out there near you and George Clark lived up there? A Maybe he did, but I don't know.

Q Don't you know when George Clark moved there? A No, sir, I went away, I wasn't there when he came.

Q Well, Watt West was living there when he came? A No, sir, not there on the river.

Q Was either Watt West or George Clark living there when you went away? A George Clark moved out the time I went away.

Q Had he moved out there before this man and his family moved down?

A Before Crap went after him, no, sir.

Q But you don't know anything about when any of these applicants came; you know the father came here sometime after the war? A I saw him here and I saw him and Crap when he started back to Kansas.

Q Is Crap has testified George Clark and Watt West were both living out there when they came down, is that true or not? A I don't know, I wasn't living in the neighborhood.

Q You don't know when the applicant moved down? A No, sir, not when they moved down.

By L. T. Brown: I believe you have already stated that when Steve Lynch returned to the Cherokee Nation in the year 1866, that he made him a claim here? A Yes, I say he made him a claim.

Mr. Deavenport: where was that claim? A It was on the prairie the other side of Lynch's old place and old man Houston Bengé took it away from him when he came down; Anderson Bengé.

By L. B. Bell, Cherokee counsel: Where was you in October, 1866? A I was down there on that Dirstater place.

Q What time did you move onto it? A Well I don't know exactly, didn't exactly move on there at all, I was just living, I had no family, I stayed at McGrary's and Simon's sometimes and at Lewis' and Simon's and sometimes at Craps, I had nothing to move.

Q Well, you stayed around there at Crap's you say? A I was around to Crap's, yes, sir.

Q You had no particular location? A No, sir.

Q What time did you finally locate? A It was in '67 I believe it was.

Q Where did you settle then? A Settled right down there, that is I stopped down there at Andy Priye's family right below the Doctor Thompson place, that is I stopped with him but I worked for Johnson Thompson.

Q That was in '67? A That was in '67.

Q You married along about that time, that year? A Yes, sir, I believe so.

Q Now where were you living in August, 1866? A If I don't mistake, I was living right there at the mouth of Mustang Creek close to what was called the Arch Simons place, I was right there, there is where I was in August.

Q Well, you were living with somebody then, stopping with somebody? A Yes, sir.

Q Well, where were you living the early part of '66 around in there, in May and June? A I was living right down here at the mouth of this creek at the old Arlin place; I made a claim there.

MILLARD FILMORE HICKS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Millard Filmore Hicks.

Q What is your age? A About 53.

Q You have been giving your name heretofore as Filmore Hicks? A No, sir, as Millard Filmore.

By L. T. Brown: Mr. Hicks, do you know Stephen Henry Lynch, did you during his life time? A Yes, sir.

Q When did you see him for the first time after the close of the Civil War, in the Cherokee Nation? A My best recollection, it was sometime in the fall of '66.

Q Did he continue to live in the Cherokee Nation from that time until his death? A Well, I can't say right from that time that he did.

Q Well, did he make this his home? A He made it his home.

Q Are you a recognized citizen of the Cherokee Nation? A Claim to be.

Q By blood? A Yes, sir.

Q Your name is on the roll of 1880? A Yes, sir.

Mr. Davenport: You are sometimes called Gap Hicks? A Yes, sir.

Q Now are you the same Gap Hicks that you and a man called Anderson got that mule for swearing for that party; didn't you and Andy Frye get a mule for swearing for some fellow? A I and Andy Frye did.

Q Who did you swear for? A Aaron Martin.

Mr. Bell: Do you know where he came from in Kansas or where he went to? A No, sir, I don't.

Commissioner: Copies of this testimony will be filed in Cherokee Freedman doubtful cases D-254, L-651, D-190, Z-316, and B-309.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the Proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

B. C. Jones
Sworn to and subscribed before me this the 14th of November, 1901.

Wm. H. Jones
Notary Public.

File with C. F. D-316.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I.T., April 18, 1902.

In the matter of the application of Jesse Vann and others for enrollment as Cherokee Freedmen.

Applicant represented by Lewis T. Brown, Vinita, I. T.
Cherokee Nation represented by James S. Davenport.

JOSEPHINE HUMISTON, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Josephine Humiston.

Q Where do you live, Mrs. Humiston? A I live in Linn County, Kansas.

Q How long have you lived in Linn County, Kansas? A I have lived there the greater part of the time since '87. I have been out of the county a few times on visits, and was away some eight or ten months at a time, but that's been my home ever since '87.

Q Since you lived in that county did you get acquainted with a colored man by the name of Stephen Lynch? A Yes, sir.

Q When did you first get acquainted with him? A I must have seen him first in the fall of '82 or winter, I won't be certain whether it was in the winter or fall, but I think it was in the fall.

Q Do you know whether or not he had a family? A Yes, sir, he had a wife and some children.

Q What was his wife's name, if you know? A Peggie.

Q Do you remember the names of any of his children? A The older boy they called Jesse, and Will, and Viney the oldest girl, and I am not positive which of the others was the older, Julia Ann, and one called Judie, I think Julia Ann is probably the oldest one. Those children he brought there to the place when he came.

Q Well, now, on whose place did I understand you to say they lived; after you got acquainted with them whose farm did they live on? A They lived on my husband's place, William B. Emerson, that's my first husband.

Q You say that the children you have named they were in the family when they moved on the place? A When they moved on the place he brought those four children with them.

Q While they were living on your place were there any children born to the family? A Three others.

Q What were their names? A Judie was one, and Nettie and Sarah, but Sarah died when she was small, Sarah died when she was probably about two months old.

Q Well, about how long did they live on your place or about what year did they leave or move away from the place? A They moved in the fall of '87.

Q Your husband was a man of business conducting affairs, and kept accounts with the different parties that was on the farm? A He was always particular in keeping his accounts. He was the surveyor of Linn County, and had a great deal of business, and it became necessary for him to keep them in good order.

Q Do you know whether or not during the year '87 he kept an account between himself and Stephen Lynch, a book account? A Yes, sir.

Q Do you know where that book is now? A I have had it in my possession all these years.

Q Is that husband living or dead? A Dead; he died in '90 I think.

Q Would you recognize his handwriting if you should see it? A Yes, sir, I would.

Q I wish you would examine the book that I have and tell me what

or not the account on page 17 of that book is in the handwriting of your deceased husband, Mr. Emerson? A Yes, sir, that's his handwriting; I will swear to it.

Q As I understand, you have had this book in your possession since the death of your husband? A Yes, sir.

Q You know Stephen Lynch's family quite well because they lived on the farm there for several years? A Lived on the farm, they raised five crops on the farm.

Q You don't know where those older children were born that you speak of? A No, I don't.

Q Do you know whether or not Stephen's children, the older ones that you named, are children by another husband of Peggie's? A I think they were children by another husband.

Q You don't know that or anything about it? A Only as I have heard them say so. I have heard Peggie speak of it frequently, that those older children were not Steve's.

Q I want to introduce the entries on page 17 that have been identified by the witness as being in the handwriting of her deceased husband, which book she states has been in her possession continuously since the death of her husband:

		Emerson.	
		A. D. 1867.	
Stephen Lynch,	Dr.	A. D. 1867.	Cr.
July 6th,	By labor five days,	15	5 80
" 18th,	By three days labor,	14	3 00
" 20,	By four days labor toll. 90	"	4 90
" 23,	By four days labor hoeing corn	"	1 00
" 26th,	By one-half days labor by S. & J. 15	"	50
" 28th,	By one-half days labor by S. & J."	"	75
" 30th,	2 3/4 gallons	"	75
August 5th,	To cash	16	23 90
			23 85
August 3d,	By cellar ditch,	16	8 00
	Labor by Peggie		23 65
August 15th,	To cash	17	10 00
Sept. 20,	To threshing wheat	21	1 10
October 8,	To cash	22	6 80
" 14,	By cash	"	8 80
" 21st	By cash	"	55 13
August 15th,	By 10 days work	17	10 00
August 18th,	By one days work	16th	1 30
Sept. 3d,	By hauling wood	18	50
" 30th,	\$ 75 acres corn	21	50 70
" "	By fodder	21	19 40

MR. BROWN: Mrs. Emerson, at the top of this page referred to I see there has been some name there written before the word Stephen was written; can you tell me what that word was? A No.

Q Don't know what name was there before the word Stephen was wrote over it, do you? A No, sir, I don't; I didn't know that there was any such words there; of course a person might make a mistake in writing.

Q Now how long did this man Stephen Lynch rent a place from your husband? A He raised five crops.

Q Raised five crops? A Yes, sir.

Q When did he raise the first crop? A In the year '43.

Q Well, where was he? A He was on the place.

I don't know where they was; he was there all through those years.

Q Where was he? A He was on that place or at least his family was.

Q And during the month of December, '66, where was he? A If he was off of the place I didn't know it; I don't know where he was, he was on there I think.

Q It was possible for him to have gone away from that place and stayed as much as ten days and you not know it? A He might have done it.

Q He could have done it without you knowing it; you didn't have no occasion to know when he went and where he went, did you? A No, sir, not at all times.

Q Now then, if this applicant claims to have come to the Cherokee Nation in the month of December, '66, and stayed three or four or five days, are you prepared to say that he didn't come? A Not to my knowledge he didn't.

Q But you wouldn't swear positively that he wasn't here three or four days in the month of December, '66, would you? A I have no knowledge of it whatever.

Q Well, I say you wouldn't swear positively that he wasn't here three or four days during that month in that year? A Well, I think I could certainly say no, he wasn't.

Q Well, were you away from the farm any time during the years from '63 to '67? A Not any length of time.

Q For how long a time would you be away? A Not more than two days at a time.

Q Not more than two days? A No, sir.

Q Well, now you spoke of being away eight or ten months, was that during that time or since then? A Years and years since, probably fifteen years ago; not while they were there though.

Q There were a great many colored people in that neighborhood at that time that come from the Territory, were there not? A Well, I didn't know where they come from. There were quite a number come to visit Steve while he was on my place.

Q Well, now, Mrs. Humiston, do you know any colored family that left there in the fall of '66? A I do not.

Q You wouldn't have remembered anything about Stephen Lynch being there during the year '67 if it hadn't been from the fact that you have this book, would you? A Certainly I would; I remember well when he left if I hadn't seen that book.

Q How many years ago has that been? A It was the year of '67 I guess.

Q It's been about thirty-five years ago, has it not? A Yes, sir, I should say it has.

Q Is there anything to impress the leaving of this man upon your mind or your memory? A Yes, sir, we saw him leave the place.

Q Well, you have seen other people leave, haven't you? A Yes, sir.

Q Do you remember the month and the year they left thirty-five or six years ago? A Well, I didn't remember the month to be sure, but I know it was after the crop was laid by and gathered and everything.

Q Well, now, during the winter months there wasn't much to do on the farm was there? A My husband always hired his work done; he was away from home, and always hired his work done, hired Steve to attend to everything on the place.

Q Well now did your husband hire Steve Lynch during the year '66?

A Yes, sir.

Q Does this book show any record that he was hired? A No, not that book.

Q Have you any book that does? A I had a diary, but I didn't bring it.

Q Did you look in that diary before you left home to see whether or not that it showed that he worked during that year? A No, sir.

Q And notwithstanding the fact that this man worked for your husband five years this is the only account that he kept so far as you know as to that work was done by him on that place? A Well, I think that he didn't keep his books in that farm; he had it mixed up with

diaries before that. You see that this began about that time I think.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-261, D-120, D-215, D-222, D-223, and in the case at bar, No. D-224.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 24th day of April, 1902.

[Signature]
Notary Public.

Cherokee Freedmen R 302 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MEMPHIS, I. T., JANUARY 10, 1907.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JESSE VANE, ET AL., as Cherokee Freedmen.

APPEARANCES:

For Applicants, STARR & PATTEN.
For Cherokee Nation, W.W. HASTINGS.

On April 14, 1906, the Department remanded this case for a rehearing. The applicants and the Attorney for the Cherokee Nation were duly notified thereof, and this case set for trial on this day, at which time the following proceedings were had:

J. D. McRAE, being first duly sworn by H.P. Dumas, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q State your name? A J. D. McRae.
Q How old are you? A 41.
Q What is your postoffice? A Goodrich, Kansas.
Q Is that in Lynn County? A Yes sir.
Q How long have you lived in Lynn County? A 41 years I think, will be 42 soon.
Q What year did you go to Lynn County in? A 1865.
Q In the year of 1866 where were you living? A In Lynn County near the town of Farlinville.
Q At that time were you acquainted with a man named Emerson? A Yes sir.
Q How far did you live from Mr. Emerson's place? A West a half mile.
Q While you were living near to Mr. Emerson's place did you ever become acquainted with a colored man named Stephen Lynch? A Yes sir.
Q Did he have a family there? A Yes sir.
Q Was he living on Mr. Emerson's place in 1866? A Yes sir.
Q How about how far did you live from where Stephen Lynch lived? A About a half mile.

- Q And did he have any boys, or do you know? A Had two boys, Jesse and William.
- Q After you became acquainted with Stephen Lynch there living on the Emerson place in 1866, while you were living in that community, when, or about when, if you remember, did he leave that place; when did he leave, about when? A Sometime in the fall of 1866.
- Q How did you know, or from hearing him talk ever learn from where he had come before he came to Kansas? A I always understood that he was a Cherokee colored man.
- Q You say he left there sometime in the fall of 1866? A 1866.
- Q How did he ever come back up there in Kansas after he left in the fall of 1866? A Yes sir, I saw him there in 1867 sometime, early in the season but don't remember the date.
- Q Did you see him and talked to him during 1867? A Yes sir.
- Q Did he tell you anything about where he had been during that interval of time? A I don't remember.
- Q Don't remember that? A No sir.
- Q Was he up there sometime during the summer of 1867; back up there? A He was sometime during 1867.
- Q Did he work around there for Mr. Emerson, or in that same community that he had been before he left? A I don't remember him working in 1867; I wasn't living,---I had moved in 1867 away from the Emerson place a little farther west.
- Q Well how far did you live then in 1867 from the Emerson place? A Three miles.
- Q Now how long, if you remember, or about when did he leave there in 1867, if he left, about when? A I can't fix the date, but he left with his family sometime during that summer or it might have been the fall, but I think it was in the summer time.
- Q Did you ever hear as to where he went when he left those times? A Oh he was going right to his claim in the Cherokee Nation. That was always understood when he left the last time.
- Q How long did you continue to live in that immediate neighborhood after that Mr. McRae? A For 25 years excepting one year.
- Q Have you ever known or seen him up there since then? A No sir.

BY MR. HASTINGS:

- Q Where did you come from to Lynch County, Kansas? A From Indiana.
- Q Were you married when you came there? A Yes sir.
- Q Did you buy property or were you living on other property? A I hadn't bought property yet at that time, I worked Mr. Emerson's farm part of it the same season, that is in 1866, and Lynch worked a part of the farm; my recollection is that he had a lease on a part of the Emerson farm.
- Q Well I didn't ask you about that; now when did you go to the Emerson farm? A In April, 1866.
- Q How far from there did you live before going to the Emerson farm? A It was about three miles.

- Q What direction? A West.
- Q When did you first get acquainted with Mr. Emerson? A In 1865.
- Q Did you have any business transactions with him prior to April, 1866? A No sir.
- Q Then you moved upon his farm in April 1866? A I didn't live on his farm, I lived on the adjoining farm but worked his farm.
- Q Then you moved upon the adjoining farm in April 1866? A Yes Sir.
- Q And you cultivated a part of his farm for the year 1866? A Yes sir.
- Q What time of the year of 1866 did you move away from there? A I didn't move away until 1867.
- Q What time in 1867 did you move? A I think it was February.
- Q That was in the month of February, 1867? A Yes sir.
- Q How far did you move from there when you moved away at that time? A I think it was about three miles.
- Q And upon whose farm? A I had bought a farm and moved to it.
- Q Did you do any work for Mr. Emerson after that time, during that year? A During the year 1867?
- Q Yes, and after moving off of the place? A I have no recollection of doing any work in 1867.
- Q Now you stated that you knew a colored man by the name of Stephen Henry Lynch? A Yes sir.
- Q And that you knew his wife Peggie? A Yes sir.
- Q They had some children, did they? A Two boys that I remember. Jesse the older one and William.
- Q And did they have any other children, or step-children? A I don't know.
- Q Where did they live then with reference to where Emerson lived? A They were living on the Emerson farm, and the two houses were close together.
- Q About what distance were they apart? A About a block I should say, or may be a little more.
- Q That was out in the country however, and one was in plain view of the other? A There was some brush in between.
- Q A block you say, less than 200 yards apart? A About 300 yards.
- Q Well do you remember Stephen Henry Lynch's wife, peggie? A I have just a faint recollection of her; you mean her looks.
- Q I say, do you remember her? A Yes sir, I remember her.
- Q You have just a faint recollection of her looks? A Yes sir.
- Q Have you any distinct recollection of these boys? A Yes sir, Jesse was large and appeared to have a good deal more of the negro than William; William was much brighter than Jesse.
- Q About what time did Stephen Henry Lynch leave there as you stated; I mean what time of the year? A In the fall of 1866.
- Q That is not the proposition, I am asking you to give the year but what time in that fall? A The exact time I couldn't tell.
- Q Well is it your judgment he left there in September? A It was either September or October.

- Q Well you never saw him then any more until after you left the adjoining place? A No sir.
- Q You never saw him after you left there in September or October, 1866, until after you left the adjoining place in February, 1867? A Yes sir, it was after February, 1867, before I saw him again.
- Q I mean when you left the adjoining place as I have understood you, you have testified that you lived upon the adjoining place and cultivated the Emerson place, that is the way of it, is it? A Yes sir.
- Q Now from say September or October, 1866, how far were you living from the Emerson place, were you living on the adjoining farm there as you stated? A I was living on the adjoining farm until sometime in February, 1867.
- Q Well you didn't have any occasion to work out, for Mr. Emerson did you, that winter? A No sir.
- Q And it has been a long time ago and you are willing now to swear that between those dates Stephen Henry Lynch and his family were not living there on that farm of Mr. Emerson's? A I couldn't swear as to that only that I didn't see them.
- Q Your attention was not directed to them? A No sir.
- Q Well now Mr. McRae, you haven't testified as to yet about that family; in the fall of 1866 didn't they so far as your knowledge and information remain there continuously during that fall and winter in that cabin upon the Emerson place? A I couldn't say as to that; they might have been there.
- Q Well you are not disputing that? A No sir.
- Q You are not testifying as to the family at all? A No sir.
- Q Then as I understand you, you don't know as to that? A No sir.
- Q Now then as I understand you Mr. McRae you were there in December, during the month of December on this adjoining farm, in 1866? A Yes sir.
- Q And you want your testimony to be to this effect only, namely, that you didn't see Stephen Henry Lynch but you are not willing to testify positively that he wasn't there? A I don't see how I could positively; he left there, there is no question about that.
- Q Well how had he left, lets go into that? A I don't know about that, only that he was missing from there.
- Q You mean to say that for a time you didn't see him? A Yes sir, that is it.
- Q You didn't see him leave the place, did you? A No sir.
- Q You didn't see his family when they left, nor did you see his family leave at all did you, you haven't testified as to that? A No sir.
- Q Well now tell us what your memory of 40 years ago is about Stephen Henry Lynch leaving; you haven't any independent distinct recollection about him leaving except that your recollection now is that he was gone awhile? A That is about it.
- Q That is about what you want to testify? A Yes sir.
- Q And you don't know whether he left by himself or not? A I don't.

- Q Well you don't remember then whether you were ever there to where this cabin was during the months of December, 1866, and January, 1867? A No sir, I don't.
- Q Then so far as you know this family might have been living there during the months of December, 1866 and January, 1867, and up until February, 1867, when you left there? A As far as I positively remember.
- Q Then you never worked any for Mr. Emerson after February of 1867 during that year of 1867? A I have no recollection of it.
- Q Now you are only testifying of your independent recollection, haven't any data of what transpired 40 years ago, aren't you? A Yes sir.
- Q Well did you have occasion to be ever there to the Emerson place after you left there in February, 1867? A I don't remember any special occasion.
- Q Well do you remember being back upon the Emerson farm during the year of 1867, after leaving there in February, 1867? A I have no distinct recollection.
- Q Then if you were ever back upon the Emerson farm after February 1867, you have no recollection of it now? A No distinct recollection.
- Q Well then as I understand you, you have got no distinct recollection of ever having seen Stephen Henry Riley after sometime in the fall of 1866 because you left there in February, 1867, and up to that time you stated you never saw him and you have got no distinct recollection of having gone back to the Emerson place after you left there; now then have you got any distinct recollection of ever seeing Stephen Henry Lynch after you missed him in the fall of 1866? A Yes sir.
- Q When did you see him? A The time, it was in 1867.
- Q Now I mean the first time that you ever did see him in the year 1867 and after you left the Emerson farm? A I can't recollect where I met him in 1867 but I met him and traded horses with him.
- Q Well is that the first time that you have got any distinct recollection of having seen him in 1867? A Yes sir.
- Q That is your first recollection of it? A Yes sir.
- Q When was that? A I couldn't,---I have no recollection as to the time.
- Q Well is that the first and only time that you remember of seeing Stephen Henry Lynch in the year 1867? A A short time after that he came back with his horse that I traded him and wanted to ride back as he was on his way to the Nation and the horse that I let him have didn't work well.
- Q Well do you know when that was? A No sir, I don't; I can't recollect the exact time only it was in 1867, somewhere in 1867.
- Q Well do you know whether it was in the spring, summer, fall or winter? A It was either in the last of summer or fall.
- Q Well was those the only two times that you ever remember of seeing him? A These are the only two times, yes sir, in 1867.
- Q And these are the only two times that you remember of seeing him since the fall of 1866? A Yes sir.

- Q Well Mr. McMan, you are not now attempting to swear that you didn't see him frequently in between times, are you? A Between--
- Q Between the fall of 1866 and the time you traded horses? A I have no recollection of seeing him in 1867 except on these two occasions, when we traded horses.
- Q But still you would not be willing to swear that you didn't see him, would you? A I think so.
- Q Well now I want to know whether you are going to be positive about it? A I am, my recollection is that I didn't see him only on these two occasions.
- Q Do you remember how long it was between the time you traded the horse and the time he wanted to rule back with you? A No sir.
- Q You know Mrs. Burdison? A Yes sir.
- Q She was formerly Mrs. Emerson? A Yes sir.
- Q And this is the same Emerson family about whom you have been testifying? A Yes sir.
- Q Then as I understand you, you have testified the only two times that you saw Stephen Henry Lynch in 1867 was when you traded horses with him, and then when he came to rule back? A That is the only distinct recollection I have of seeing him.
- Q You don't know how long he had been there when you traded horses with him? A No sir.
- Q What was the condition of your health in the fall and winter of 1866? A In the fall of 1866 I was sick, in September and first of October, and was reasonably well from that time on.
- Q I believe you have already testified that you didn't see Stephen Henry Lynch, and you don't know whether his family remained there or not during that winter? A No sir.
- Q You are not testifying that his family lived there? A No sir.
- Q Then you are testifying that his family came back in the spring of 1867; you never did see his family there? A I have no recollection of seeing the family except the boys, in 1867.
- Q Where did you see the boys and when? A I saw them at our place in 1867 one time they came there.
- Q About when? A I have no distinct recollection of what time.
- Q Was it after or before you moved? A It was after I had moved.
- Q Are you prepared to dispute under oath that Stephen Henry Lynch worked for Mr. Emerson fourteen and one half days in the month of January, 1867? A No sir.
- Q Are you prepared to swear that Jesse Vann did not work for him two days during that month of 1867? A I don't know anything about that.
- Q Are you prepared to state and swear under oath that Stephen Henry Lynch was not upon the Emerson farm on the 9th day of December, 1866? A No sir.
- Q You won't swear that? A No sir.
- Q Are you prepared to swear that the family of Stephen Henry Lynch ever left up there prior to the time that he traded horses with you? A No sir.
- Q Then if that is stated in your affidavit that is filled here, namely, that the family left there in the fall of 1866, you didn't intend to state that? A How was it stated?

- Q "In the fall of 1866 they left here (they referring both to Feggie and the boys, Jesse and William, who you have mentioned) and I understand at that time and heard that he went to the Cherokee Nation to get his citizenship rights and to get him a place." How did you mean to include all of them or just the old man? A Just the old man.
- Q Now did you intend to say in that affidavit that they were gone several months referring to the entire family or was your affidavit intended from first and last to refer exclusively to the old man? A Exclusively to the old man, excepting when they left,---
- Q Finally after trading horses? A Yes sir.
- Q Well until after you traded horses with reference to their leaving up there, now you intended to testify exclusively with reference to the old man? A Yes sir.
- Q Your testimony now is to the effect simply that you didn't see him for sometime from the fall of 1866 until you traded horses with him? A Until the spring of 1867, yes sir.
- Q You just awhile ago testified that you never saw him in the spring of 1867 at all, until you traded horses with him? A That was the time, yes sir.
- Q You traded horses in the spring of 1867? A That was my recollection, it was sometime in 1867.
- Q Well is it your recollection it was the spring of 1867? A That is my recollection, yes sir.
- Q And you say a few days after thereafter he came back to get you to rule back with him? A I have no distinct recollection of how long it was, afterwards sometime.
- Q Well your just judgment now, you have some idea about how long that you kept his horse, a week or ten days, longer or shorter? A Probably ten days, a short time.
- Q And do you think that was in the spring of 1867? A Sometime in 1867.
- Q Now you used the word awhile ago, the spring of 1867, when you traded horses with him? A That is my recollection, it was in the spring or early summer.
- Q And it is your recollection that he kept the horse about a week or ten days? A Well it might be longer.
- Q But that is your best judgment? A Yes sir.
- Q And you have also testified that he had started to go to the Cherokee Nation and had come back when he ruled back with you? A Yes sir.
- Q Then you haven't any distinct recollection of when he did start to the Cherokee Nation, have you? A No sir.
- Q You have got no record testimony in your pocket that aids your memory? A No sir.
- Q And you are just now testifying from your own independent recollection? A From memory.
- Q And you wouldn't testify now that this man Stephen Henry Lynch wasn't up there on March 6, 1867, would you? A No sir.
- Q You would not testify he wasn't there on March 24, 1867, would you? A No sir.

- Q You would not testify he didn't make a crop there in the year 1867, would you? A No sir.
- Q You would not be willing now to testify that he didn't stay there as late as October, 1867, would you? A No sir.

BY MR. PATTEN:

- Q Did you live on that same place that you say was about a half mile from the Emerson place; did you live on that same place from the fall of 1866 until February, 1867? A Yes sir.
- Q That was about a half mile away from it? A Yes sir.
- Q Well, I will ask you this question from along in the fall, say October or November, about that time, from then until February, 1867, during that interval of time, did you live on that place near the Emerson place, have you, of your own independent recollection any recollection of seeing Stephen Henry Lynch's family during that interval of time? A The children, that is the boys, I have, I remember distinctly seeing sometime in the fall of 1866, and then again after I had moved I saw them once; that was in the spring or summer of 1867.
- Q You say Emerson's house and the house that Stephen Lynch and his family lived in was right close together? A About 300 yards apart.
- Q At the time you traded horses with him and he came back to rule back, had he started to leave there again, or had he started to leave and then come back and traded back with you? A He started to leave and came back to rule back sometime after I traded.
- Q The horse that you traded to him, did he start to drive that off was that the horse that wouldn't work? A Yes sir.
- Q Was that the reason he wanted to trade back? A Yes sir.

BY MR. HASTINGS:

- Q Well that was the first occasion that he had to drive him when he found he would not work? A I am not sure as to that.
- Q That was when he first found it out? A It perhaps was.
- Q You say you lived about a half mile off? A Up until February, yes sir.
- Q When did you buy this place three miles from there? A Month of January, I think.
- Q Of 1867? A Of 1867.
- Q You were then preparing to move over on this new place? A Yes sir.
- Q Did you have any building to do over there? A No sir.
- Q But you simply meant to say that you had no occasion to watch these colored people and you don't know whether they were living there or not? A No sir.

BY MR. PATTEN:

- Q What is your occupation Mr. McRae? A At that time I was a farmer.
Q Merchant now? A Merchant now, yes sir.

BY MR. HASTINGS:

- Q If a Diary kept by Mr. Emerson shows that Stephen Henry Lynch worked for him fourteen and one half days during the month of January, 1867, are you prepared to dispute it? A No sir.
Q And four days in December, 1866, are you prepared to dispute it? A No sir.

(Witness excused).

THOMAS BARWICK, being first duly sworn by B.P. Ramus, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q What is your name? A Thomas Barwick.
Q How old are you? A 62 years of age, will be 63 the 13th day of next May.
Q What is your postoffice? A Pleasanton, Kansas, Lyon County.
Q How long have you been a resident of Lyon County? A Well I count it from 1863.
Q Were you living in Lyon County in 1863? A Yes sir.
Q Where were you living at that time? A I was living at Hound City.
Q Where were you living in 1866? A I was living on a farm a mile east of Hound City.
Q In 1866 were you acquainted with a man by the name of Emerson? A Yes sir.
Q Where was he living at that time? A About nine miles south of Hound City on a farm, homestead.
Q About that time did you ever work occasionally for Mr. Emerson, or any thing like that, that would occasion you to become well acquainted with him? A Well I had a notion I wanted to become a Civil Engineer and Mr. Emerson was county Surveyor and I worked for him some; and sometimes I got pay for it and sometimes I didn't.
Q While around Mr. Emerson did you ever become acquainted with a colored man named Stephen Lynch? A Yes sir, I did.
Q Did he have a family? A Yes sir.
Q Did he have any boys? A Yes sir, I think he had some boys.
Q Did you ever know their names at that time? A No sir, I didn't know their names.

- Q Didn't recollect their names? A No sir, I didn't become familiar with the family.
- Q Did this fellow Stephen Lynch live on Emerson's place? A Yes sir, in a little cabin there.
- Q You became acquainted with Stephen himself better than the rest of the family? A Yes sir.
- Q Did you ever understand by conversation with him where he come from? A Yes sir, said he was from the Cherokee Nation.
- Q Did you ever hear him ~~that time~~ during that time, hear him talk of the Nation and what was going on down here or about coming back here any time? A Yes sir, he used to say he would have about four times as much land as a common homestead would be.
- Q Well he worked there for Mr. Emerson? A Yes sir.
- Q Well when, if you remember, was the first time that you remember that Stephen Lynch left Emerson's place up there, left that community? A Well in regard to that matter I desire to be fair to all parties, but I really have no dates at the time that Mr. Lynch left there, I didn't keep no record and the statement that I make is from memory.
- Q Well get at it as near as you can? A It has been about 40 years ago; it is a long while; now you want me to answer about his coming away from there; I think he went away from there sometime late in the fall of 1866, that is my best opinion about it and my recollection as near as I can recollect it; it seems to me that to be a correct statement.
- Q You think then he left sometime in the fall of 1866? A Yes sir, I couldn't do it or nothing of that kind only the year is plainly impressed upon my mind.
- Q How do you fix it was 1866? A Well I was married in 1835 and of course in the course of human events a child was born in our family August 15, 1866, and we didn't get to go to Emerson's for quite a long while afterwards, and we lived ten miles from there and had to stay at home with the child; that is one thing, the most important thing, I looked that matter up before I started down here and I am correct according to my Bible records about the birth of the child.
- Q Did you go to Emerson's sometime after the child was born? A Yes sir, that is my recollection, we went over there, my wife and Mrs. Emerson were friendly; while old Mrs. Emerson was kind of an aristocratic old lady but my wife went there; of course she took the baby along; I didn't stay long, I was busy, I was always counted a hustler.
- Q And after the fall of 1866 did Stephen Lynch ever come back up there after that? A My recollection is he came back, yes.
- Q When did he come back according to your recollection? A It was late in the spring of 1867.
- Q Did he work around there for Emerson for sometime that summer? A If he was on the farm, he did.
- Q Well do you know after he came back up there in the spring of 1867, do you know whether he left there again or not, whether he stayed there or left? A I think he was there all that summer.

- Q And about when did he leave that time? A He left again sometime late in the fall as near as I can recollect; I couldn't state that there.
- Q Did you see him after he came back up there in 1867 any time? A Yes sir, I saw him.
- Q Have any talk with him when you saw him, talk to him or anything like that? A Yes sir, I talked with him once or twice.
- Q Did he say anything about where he had been while he was gone, from his talk did you understand where he had been? A My recollection of it is he told me he had been to the Territory; that is the way it seems to me now; Mr. Emerson talked to me some about it and Mr. Emerson's conversation is more impressed upon my mind than the other fellows, but I can't prove none of it because the parties are all dead.
- Q Now what did you understand from conversation with other parties there, with Stephen Lynch?

MR. HASTINGS:

I am going to object if he is going to tell the conversation that this man had with other fellows around in there and in the presence of Stephen Henry Lynch.

MR. PATTEN:

I ask time for this reason, this is an old matter and I contend that it is proper evidence to prove all what was generally understood, all information that this man acquired by general conversation from Stephen Lynch and the people he associated with there.

- Q What did you understand from what Stephen Lynch told you where he had been and what he had been doing all the time he had been gone? A He just merely told me he had traded for a claim down in the Territory; I didn't know anything about the particulars at all.
- Q Did he say he had it at that time? A Yes sir, and another statement he made to me was that he had to get back to it in time to make hay.
- Q You saw him up there in 1867 and about the substance of what he told you was while he was gone he had got him a place down there, was it?

MR. HASTINGS:

I desire to enter my objection to that question because it is clearly leading and this is a witness introduced on behalf of the applicants and the witness ought not to be led.

ON BEHALF OF THE COMMISSIONER:

The objection will be noted.

A He had got him a claim; that is the way we had in those days, speaking about a claim.

Q What was it he said about cutting hay? A Said he had to get back to it in time to make hay; I remember that distinctly, it seemed somehow or other; well he had a good record and worked hard and of course he wanted to make some hay.

Q Did he leave that community again sometime in 1867 later on? A Well I couldn't say when he left or anything about that. I knew I was up there along sometime and they were gone.

Q Have you seen him or known him up there since then? A Never saw him: I think about the last time I saw Mr. Lynch was sometime during the summer of 1867; I wasn't familiar with him, that is I didn't associate with him or anything of that kind, I just merely knew him.

BY MR. HASTINGS:

Q About what time in the summer of 1867 the last time you saw him? A Well I couldn't just say, I am not sure whether I saw him in Mound City or Parlingville, it was one of the two towns; I am not sure which of the two towns it was in; I knew I wasn't there at the place, I knew that.

Q You mean you were not over at the Emerson place? A No sir, I wasn't over there at that time.

Q About how far did you live from the Emerson place at that time? A Ten miles.

Q Then you never did live upon the Emerson place while Stephen Henry Lynch and his family lived there? A To say we made our home there I would answer that question no.

Q You were living ten miles from there? A Well it is fully ten miles, maybe not quite that far; it is counted twelve miles to Parlinville and nine miles to the Emerson place from Mound City.

Q I don't believe I have got in any way clear from you the time you last saw him, you said it was in either Mound City or Parlinville; what I am trying to get, at not the place, but your best judgment as to the time? A It was sometime in the summer; I was hauling goods and it was on one of these trips I saw him.

Q Now of the three months in the summer, June, July and August, now which of these months do you think was the last time you saw him? A I would like to answer that question, but I can't because of the fact that I have no data to go by, but I knew it was in the summer time, because the roads were in good condition and I was making money.

Q You knew it was one of these three months? A Yes sir, It wasn't in the spring, it was in the summer; If I made a statement I would say anywhere from the first of July to the first of September.

Q Now what were you doing during these months? A I think I was hauling goods, freighting there.

Q Between what place? A Westport and Kansas City, what is now Westport and Fort Scott; I used to haul for some firms at Fort Scott.

- Q Did you freight principally during the year 1867? A No sir, I didn't, I was a little erratic and I done a little bit of everything; I wasn't satisfied anyway, I didn't like the country; I was dissatisfied and disheartened and I was cussing the country all the time.
- Q That is hardly an answer, I was asking you about what you were doing while you were cussing the country? A Well it has been so long ago; I couldn't give a detail account.
- Q Did you make a crop? A I never farmed but once and that was in 1866 and Mr. Emerson and Lynch showed me how.
- Q On the Emerson farm? A No, a mile east of Mound City.
- Q How far was that from Emerson's? A Ten miles.
- Q And you put in a crop there? A Yes sir.
- Q What did you do in the fall of 1866, in September, October and November? A I was taking care of my corn and trying to get a living.
- Q What did you do now, say in the fall of 1867, September, October and November? A Well I was either on the road,--- don't remember just what I did do; I was either on the road freighting or else I was freighting around home, around Mound City, hauling sand or something like that.
- Q That was about ten miles from the Emerson place? A Yes sir; Mound City is nine miles; you see I moved in,--- I changed about a good deal and I tried to get my wife to coach me a little on that point.
- Q Your memory then is rather treacherous about dates? A I will have to confess that that is so; that has been so long ago but if it had been back to 1870 I could remember it because it has been more to my liking.
- Q Well what became of Stephen Henry Lynch's family in the fall of 1866? A I don't know what became of them but my opinion is that they stayed there in the cabin.
- Q And remained there during that winter? A That is my opinion; I never knew them to go away.
- Q If they ever went away you never heard of it? A I don't think they went away; I think they remained on the Emerson farm that is my opinion about it; he might have got somebody else to take them but I don't believe the man had the means and I think they stayed right there.
- Q Now then you never worked for Mr. Emerson in the month of December, 1866? A I don't believe I did; I only worked for him once in a while, I didn't work steady for him.
- Q You never worked for him in the month of January, 1867? A I don't know whether I did or not; I aint got no data; I couldn't swear I did or I didn't; I worked for him a little on and off around but I never kept no record of it.
- Q Now as near as you can recollect tell when you commenced work for Mr. Emerson? A Well I worked for him some in 1864, a little in the surveying line.
- Q I mean down at his place, on his place? A I have no recollection of ever working for him on his place; if I did, I don't know it; it has been passed from my mind entirely.

- Q You don't have any recollection of that at all? A No sir; I don't believe I worked any on the farm, that is to say to try to farm, because I had a distaste for farming any how; I was always handy with tools and I might have built him a table, something like that.
- Q Well if you had worked there for two or three months, you would remember that? A Yes sir; I know I went away one time and he had sixteen or seventeen dollars he owed me and he didn't pay me the money and I told him to pay that to my wife and he gave her an order on a store.
- Q There were you at the time? A I was out working; I would work two or three months maybe sometimes before I would get my pay. Q Were you in that neighborhood? A Yes sir, I was in that neighborhood in 1866.
- Q Well when you told him to give the order to your wife? A Well you have got me again; I couldn't say whether it was 1866 or 1867; that seems to impress it upon my mind because I had trouble getting my money out of Mr. Emerson, because he was peer at that time, but it wasn't no disgrace to be peer them days.
- Q What I am trying to get at the year? A I couldn't give you the year.
- Q Well was it in 1866 that you did that work for him? A I couldn't say, I wouldn't like to swear to it.
- Q Well was that the same year that you speak of Stephen Henry Lynch leaving there that you worked for Emerson? A I must have been doing some work for him in 1866; I would give \$100 right now if I had a written record of it to show you.
- Q I am not asking about the written record? A I haven't got the written record, it is just from memory.
- Q That is not the point I am asking you, I am asking you, regardless of years, was it the same year that you worked for Emerson, that you are testifying about about what Stephen Henry Lynch should have said and done with reference to this country? A I expect I done some work for Mr. Emerson, but I can't recollect whether I did or not, I can't remember.
- Q I don't think you are intentionally, but you are really evading the answer I am asking you; you have told about Stephen Henry Lynch living up there and you have told of some conversation you had with him and about him coming down here to make hay, and one thing and another; I am asking you now, regardless of years, if that was one and the same time while you were at work for Mr. Emerson? A Well it must have been, I couldn't say positively.
- Q But there is where you seen him? A It must have been; it is against me in the matter because I can't recollect him; I can't recollect the statement, I couldn't swear to it; I would not like to say whether it was 1866 or 1867.
- Q Now wait, suppose the records of Mr. Emerson should show that Thomas Barwick agrees to work a month for \$20 for me on Monday, the 27th day of September, 1867, and if his same diary should show on the 30th day of that same month that you did commence work for him at noon at \$20 per month, are you prepared to dispute that? A No sir, I would have to take Mr. Emerson's record for it; before I came down here I went to a friend of mine,

- M Mr Kennen, a lawyer, and I found out that written evidence was more important than oral evidence. I would not dispute what Mr. Emerson wrote there; and I would not dispute Mr. Emerson's word.
- Q Do you remember that on the very day that you commenced work for Mr. Emerson, namely Monday the 30th day of September, 1867, that that self same day that Mr. Emerson bought 6.76 acres of corn from Stephen Henry Lynch at \$7.50 per acre? A I don't remember anything about Mr. Emerson's business.
- Q Don't you know now after having your memory refreshed from this record that it was at that time that you had this talk with Stephen Henry Lynch and that he was there? A Well it might, have been, I don't know that it was, but it might have been.
- Q I am asking you now if you don't remember that while you were at work there that on the 9th day of October, 1867, that you had the chills? A I believe I remember that all right.
- Q Well I will ask you if you didn't shill for a good while, not only on the 9th of October but on the 10th and on the 11th, I will ask you if you don't now recollect that Mrs. Emerson went to a Doctor by the name of Kempton and got some medicine for you? A I believe what you say but I don't remember whether the medicine came.
- Q Do you remember a Doctor named Kempton? A No sir, I don't; I remember I laid down on a rock when I first had a chill; I know they gave me some medicine and doctored me up.
- Q I will ask you if you don't remember on Saturday October 12, 1867, if you and your family living there at Emerson's took his team and went to Oakwood to Henry and William Scott's? A Well we might have done that; I borrowed his team several times.
- Q Well now did you know a Henry and William Scott? A Yes sir.
- Q I will ask you if you remember while being there on the 14th day of October, 1867, if you got back there at noon from Henry and William Scott's at one o'clock and that Pagington was there digging potatoes and that you picked them up? A I don't remember that, I would not dispute the statement though.
- Q I will ask you if you remember the circumstances that on Tuesday, the 15th day of October that Barwick and Pagington were hauling fodder and corn west of the house? A No sir, I don't remember it.
- Q And I will ask you if you have any recollection upon that same day that Mr. Emerson paid Stephen Henry Lynch \$8.50? A No sir, I had nothing to do with Mr. Emerson's payments; I don't know nothing about it.
- Q Now then Mr. Barwick when I first called your attention to this you didn't remember Stephen working there at all during that fall, did you? A Well I am confronted with that thing, it must be something in it but I don't recollect no circumstances no more than if they never occurred now; that is just a fact.
- Q Now if you worked there as this diary of Mr. Emerson's shows, beginning on the 30th day of September, during the month of October and if Stephen Henry Lynch was there up until the 22nd of October, say for that length of time and worked there practically every day and lived in that little house, don't you now think that that must have been the time you had that conversation with Stephen Henry Lynch? A No sir, I don't think it was because Stephen was out in the field a good deal of the time.

- Q You were in a position to see more of him then while you were right there at Mr. Emerson's house than you did when you were ten miles away? A I can't hardly believe I was there; I know my wife was there and I would go there to see her.
- Q Are you prepared to dispute the diary of Mr. Emerson, entered on the 17th day of September, 1867, to the effect that Pagington and Parwick worked for me? A I am not, I couldn't dispute that.
- Q Do you remember that on that self same day that Steve, referring to Stephen Henry Lynch, leaving 13 1/2 bushels of corn with Mr. Emerson for safe keeping? A No sir, I don't.
- Q You don't recollect that at all? A No sir, I don't.
- Q You were there working for him, were you not? A Yes sir, but I didn't have nothing to do with him according to his business transaction; according to that I was there.
- Q You have got no distinct recollection of any of these transactions at all? A No sir, it is just like it never occurred to me; it is a revelation to me; I know I was around Mr. Emerson a good deal at different times before that and afterwards; might I be allowed to make a little statement along that line?
- Q Just tell it? A Well I saw Mr. Pagington right lately,---
- Q Well I don't want any conversation you had with Mr. Pagington? A Well it is along that line.
- Q Well Mr. Pagington is not here and he is one of the witnesses that was to be here and I don't want any conversation with him. I will ask you if you remember of working on Saturday, October 19, 1867, of working until noon and at noon going to Oakwood? A No sir, I don't remember going over to Oakwood.
- Q Was there such a place as Oakwood? A Yes sir.
- Q I will ask you if you remember on the 22nd day of October, 1867, that Stephen and brother Bill start back to the Cherokee Nation, and that Thomas Barwick gets back and is not able to work, and that Steve took 7 1/2 bushels of corn out of the crib? A No sir, I don't remember the distinct transaction.
- Q Well you have got no recollection of being there when Steve and his brother Bill left there on October 22, 1867? A No sir, I couldn't swear to that.
- Q Did you know his brother Bill, whose name was William Buffington? A I had a slight acquaintance with him was all; I don't know where he went to or what become of him or anything of the kind.
- Q Do you remember that you were not able to work along about that time and that you were sick and got additional medicine on the 24th from Dr. Kempton? A I don't even remember the Doctor; I know I was sick and it took everything I had to regain my health.
- Q Now on Sunday, the 27th of October, 1867, I will ask you if you are prepared to dispute this entry in the diary; "Barwick leaves for parts unknown he not informing us whither he goeth." A I went to Kansas City.
- Q How far was that away? A 72 miles.
- Q You remember that do you? A I remember that because I was sick at the time and I remember another circumstance that I am willing to testify about if you think it is necessary; it is a personal matter though.

- Q I don't care to go into it except that you did go away? A Yes sir, I did go away; it was the finest thing I ever did for myself.
- Q I called your attention to that thinking perhaps that I might refresh your memory of being down there at Emerson's? A I was there quite often, I couldn't recollect dates.
- Q You don't know what year that was in? A I am satisfied the diary is right about the year and I don't dispute Mr. Emerson at all.
- Q Then if Mr. Emerson's diary showed transaction of every day for for the year 1866 and 1867, the people who worked for him up there every day and from what he did, even to the minutest details you are not prepared to dispute that from memory 40 years, are you? A I would not dispute it under no consideration.
- Q Now Mr. Barwick if this diary shows that Stephen Henry Lynch was there from time to time during the year 1866 and if it shows that he was there on December 8, 1866 and worked four days during the week, are you prepared to dispute it? A Oh no.
- Q If this diary shows that he worked for Mr. Emerson for 14 1/2 days and that Jesse Vann his step-son, worked tow days during the month of January, 1867, are you prepared to dispute it? A No sir, I am not.
- Q If this diary shows that Stephen Henry Lynch was there on March 6, 1867, are you prepared to dispute it? A I would not dispute that diary.
- Q You would not dispute any item in it? A No sir.
- Q You had rather take that as written documentary testimony than your memory 40 years ago? A Why sur, I haven't got any written record like MR. Emerson.
- Q How old are you now Mr. Barwick? A I will be 63 years of age on the 13th day of next May, but I have been working hard lately and I am tired; I got away yesterday and went in my room and never come out at all, stayed there until this morning.
- Q How prior to the time you worked for Mr. Emerson, whenever that was, you lived about ten miles away from him? A Yes sir, I went over there visiting, friendly visits you know; whenever he wanted a little work done and I would go out and help him do it.

BY MR. PATTEN:

- Q You say you farmed one year? A Yes sir, I farmed one season.
- Q You were not a farmer by occupation? A No sir.
- Q You say you didn't know much about how to farm? A I didn't know anything about it.
- Q What year was that? A In 1866.
- Q Who was it you said showed you how? A Steve Lynch and another old friend, now Dr. J.R. VanZant and Mr. Emerson, they all made fun of me and corrected my mistakes.
- Q So along say during the winter of 1866, which includes of course part of 1867, did you remember of ever seeing Stephen Henry Lynch of your own personal recollection living up there? A Up at Emerson's in 1866?

- Q Yes, in the winter of 1866 and 1867, have you any distinct recollection of seeing them living up there during that period?
A I think they were there.
- Q Do you actually know they were there, did you see them? A I am not positive whether I did just see them or not; I believe I saw them there to.
- Q Well can you swear that you did; you stated awhile ago,---? A I know they were there but I couldn't say about any dates.
- Q What I am getting at is this; awhile ago you stated that you were of the opinion that they were there that winter when Steve made his first trip down here; that he didn't take them with him at that time; that it was your opinion that they were there; now what makes you think they were there? A I don't think he was able to bring them down here and take them back, that is just an opinion.
- Q That is an opinion, is it? A I just don't think he had the means to take them down there and bring them back; I think he left them there in Emerson's care and he went away.
- Q That is the way you former a pretty conclusive opinion in your mind that they remained there? A Yes sir, I don't think they left the farm until 1867.
- Q You don't think he was able to take them away? A I don't think he was able to stand the expense of the trip down there and back. I know he left in 1866 on account of that other matter.
- Q Then as regards his family being there, your statement is about this, in your opinion they remained there that interval of time because you don't think he was financially able to move them there? A Yes sir, that is the way I thought the matter over in my mind since you gentlemen come up there.
- Q Since we submitted your name on the list of witnesses in this case did Mr. Keys, a marshal for the Cherokee Nation, call on you in your home in Pleasanton? A Yes sir.
- Q When did he come? A Well I think it was a few days before,---I don't know, just about New Year's, right along there.
- Q Did he come down to your house? A Yes sir.
- Q That rainy day? A Yes sir.
- Q For long did he stay there? A About a half or three quarters of an hour.
- Q Discussed this case with you? A Put some small questions, yes sir.
- Q Did you see him or talk with him any time after that? A Yes sir, I went to the Hotel and had a little talk with him.
- Q He was stopping at the Hotel and you went up there? A Yes sir.
- Q Mr. Darwick, have you seen Mr. Fagington in the last few days? A Yes sir.
- Q Do you know what the condition of his health is? A Yes sir.
- Q What is it? A He is very feeble.
- Q Would he be able to travel, make the trip down here? A No sir, he would not.
- Q On your cross-examination Mr. Darwick, Mr. Hastings asked you if you recollect this item that was put in this record, purporting to be a record kept by Mr. Emerson, which was on Tuesday, October 22, 1867; "Steve and brother Bill start back to the Cherokee Nation. I Darwick gets back not able to work. Steve

takes 7 1/2 bushels of corn out of the crib again." You stated now you didn't remember that? A Like as any way I was in the house sick as it also states there I was not able to work.

MR. PATTEN:

In connection with the cross and re-direct examination of this witness upon this point about which he was questioned by the Attorney for the Cherokee Nation, we desire to ask that that part of this record referred to by Mr. Hastings as being a record kept by Surveyor Emerson be copied into the record as it appears in this book.

MR. HASTINGS:

I have no objection.

ON BEHALF OF THE COMMISSIONER:

The request of the applicants will be granted and the entry in the diary is as follows:

"October, Tuesday 22, 1867.
Steve and Brother Bill start back to the Cherokee Nation.
T. Barwick gets back not able to work.
Steve takes 7 1/2 bushels corn out of the crib again."

BY MR. HASTINGS:

- Q Now Mr. Keys never attempted to induce you to swear anything else other than the truth in this case? A He advised me to tell the truth.
- Q And he only asked you for information what you may know about it, A Yes and I volunteered that I would assist him in any way I could.

BY MR. PATTEN:

- Q Mr. Barwick, privately, what is your sentiment toward the colored person? A A Well now I think Roosevelt is right.
- Q When he fired those negro troops? A Yes sir.
- Q The truth is you are not at all favorably disposed toward the colored person are you Mr. Barwick; that is, you had rather help a white man than a colored person? A Well I would not injure a colored man because he is a colored man. I would not stop to quarrel with a colored man, nor I would not take him in my family under no consideration.

- Q In the common way of expressing it you have not had much use for a negro? A I haven't got a bit; I wasn't one of those abolitionist like Mr. Emerson up there, and that is the reason I didn't get along with them.

BY MR HASTINGS:

- Q You were brought here by the Attorneys for the applicants? A I suppose so.
Q You came here for Mr. Patten? A Yes sir.
Q He talked to you a number of times up there about this case? A Yes sir.
Q And the fact is you aided him in searching out some of them old people up there, didn't you show him the way to their houses? A Yes sir.
Q You went with him? A Yes sir.
Q To see a number of these old residents up there? A I took him around to see them.
Q And he paid you for it? A Yes sir, he paid me for my time.
Q I am not caring for that but I want to show you were not unfriendly to Mr. Patten, and you showed him and helped him all you could? A Yes sir, and I found him to be a fine gentleman and since we have been here he showed us to our place and has been around to see us.
Q Well your feelings toward a colored man is not such you would not tell the truth about a matter, is it? A Well I will certainly not do anything of that sort; I will be fair and honorable even if a colored man was an enemy of mine.
Q You would ~~not~~ want to tell the truth about it? A Yes sir.

(Witness excused).

JOHN W. THOMPSON, being first duly sworn by B.P. Ramsus, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q State your name? A John W. Thompson.
Q How old are you? A 66.
Q What is your postoffice? A Parlinville, Kansas.
Q How long have you lived in and around there? A Since April, 1867.
Q You came to the neighborhood of Parlinville in April, 1867? A I came from Indiana there in April, 1867.
Q Have you lived in or about that neighborhood ever since? A Yes sir.

- Q Where did you settle when you came there, Mr. Thompson? A About a mile and a half northeast of Parlinville, and about two miles from Mr. Emerson's place.
- Q After you came there did you ever become acquainted with a colored man by the name of Stephen Lynch? A Yes sir.
- Q How when did you get acquainted with him; when did you first know him? A It was the latter part of May or June, 1867.
- Q Where was he living at that time? A He was living on Mr. Emerson's place about two miles southeast of where I lived.
- Q You got acquainted with him, personally acquainted with him, did you? A Personally acquainted with him from a business transaction.
- Q What was that? A Buying a cow.
- Q You bought a cow from him? A Yes sir.
- Q Well now after you became personally acquainted with him so you would have any conversation with him, did you ever have any talk with him about where he came from or where he belonged or anything like that? A I don't think I remember of him saying anything where he came from, but he told me in conversation about a claim or headright that he had in the Nation.
- Q Did he say he had a claim down here? A He said he had a claim in the Nation and was going to it as soon as he could make the present crop he had in, dispose of it and then move.
- Q Well how long did he continue to stay up there in 1867; about when did he leave? A I couldn't give the date of his leaving there; he left there sometime in the fall; I don't know a thing about him in 1866.
- Q But he left in the fall of 1867? A Yes sir, after he had disposed of his crop every one understood that he was going to his claim.
- Q Have you lived in that neighborhood continuously since that time? A Yes sir.
- Q Have you ever known of him or seen him up there since then? A No sir.

BY MR. HASTINGS:

- Q He just said he had a claim or headright down here in the Cherokee Nation? A That is what he said; he didn't tell me he had taken a claim; he said it was either a claim or headright down here.
- Q In other words he had a right down here? A Yes sir.
- Q And he said he was coming down here? A He said he was going to move to it as soon as he disposed of his crop.
- Q And sometime after he disposed of his crop he left up there? A Yes sir, he was gone.
- Q His family left up there with him? A Yes sir.
- Q Had some boys and children? A Yes sir.
- Q And they lived there on the farm at that time? A Yes sir.
- Q And you don't remember of seeing him until the last of May or June? A He was there and I might not have seen him.
- Q You didn't see him before that time? A No sir, not until I went to see this cow.
- Q In other words you were just over there? A No sir.
- ^

Q You moved into that country when? A In April, 1867.

(Witness resumed).

Simon Lynch, being first duly sworn by E.P. Ramsus, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTER:

Q State your name? A Simon Lynch.

Q How old are you? A 76.

Q What is your postoffice address? A Spavinaw, Indian Territory.

Q You are a recognized freedman citizen of the Cherokee Nation?

A Yes sir, I guess I is.

Q Did you go out of the Nation during the war? A Yes sir.

Q When did you return? A '66, February.

Q Where did you settle? A Upon Cabin Creek where I stopped.

Q Were you acquainted with Stephen Lynch, a colored man, before the war? A We lived on the same place, both belonged to the same man.

Q You knew him before the war? A Yes sir.

Q When, if you remember, was the first time you ever saw him in the Cherokee Nation after the war? A In October, I believe; yes, it was in October.

Q What year? A '66.

Q Where did you happen to see him or how did you happen to see him?

A I seen him up there at the old place.

Q Where were you living? A Yes sir.

Q Where had he come from or did he say? A Kansas.

Q Was he by himself or did he have his family with him? A No sir, didn't have no family.

Q Came by himself? A No sir, there was some more men, just some horsemen.

Q That was along in the fall of 1866? A Yes sir.

Q Did you make any kind of a trade with him while he was there that time? A Yes sir, I sold him an old place and cabin on it.

Q Where is that located? A It is below the Island Ford.

Q That was in the Cherokee Nation, was it? A Yes sir.

Q Did you make that trade shortly after he came down that trip?

A Made it while he was down here.

Q How much did he give you for it? A \$12 for it.

Q What kind of money did he pay you for? A \$10 gold piece and \$2 in silver.

Q He gave you \$12 for that place? A Yes sir, about two miles and a half below the Island Ford.

Q How far was that from where you lived? A About two miles and a half of where I live now.

Q Did he continue to hold that place after you sold it to him?

A Yes sir.

- Q Did he retain that place during his life time? A Yes sir, he died on part of it.
- Q Do you know who owns the place now, or holds it? A Yes sir.
- Q Who? A Old Aunt Richard Bean's grand-daughter.
- Q You say he was by himself when he made that trade with you? A There was some more came with him.
- Q How long did he stay around there? A A week or two.
- Q Then where did he go, did he leave? A Went back to Kansas.
- Q That is you understood he did? A Yes sir, there is where he said he was going, him and Grap Lynch went back.
- Q After that trip did he bring his family down there? A Brought it about Christmas.
- Q That same year? A Yes sir.
- Q Who were the members of his family? A Jesse, and Bill, and Judy, and his wife.
- Q What was his wife's name? A Peggie.
- Q About that time you knew of a number of other people who came down to the Cherokee Nation? A Yes sir, lots of them dropping in every once in a while.
- Q Do you know in 1867, say the following spring after that winter, what were the conditions of times in the Cherokee Nation, pretty hard? A Hard times.
- Q Was it hard to get anything to eat? A Yes sir, corn was \$5 a bushel.
- Q Wasn't it common for a great many of these people to go back to the States and work? A Yes sir, to work and to get something to eat.
- Q You remember the citizenship Court, commonly known as the Bob Daniels Court held in 1871? A I don't know what year it was held in but I remember the Court, I was there.
- Q Where was it held? A Tahlequah.
- Q Were there a great many freedmen at that time summoned before that Daniels Court to settle their citizenship rights? A We were not summoned; just went down to see if they could stay here or not.
- Q Do you know whether Stephen Lynch was down there before that Court at that time? A He was right there.
- Q Were you in the same crowd? A Same crowd.
- Q Now when you were down there before that Court in regard to your citizenship rights, what if any action did the Court take in it? A Told us to go home; that we were not wanted yet.
- Q Did they ever enter into a trial at that time in the case of Stephen Lynch? A No sir, nor none of the rest of us.
- Q Told him the same as told all the rest of you? A Yes sir.
- Q Did that bunch of freedmen that went down there or any of them that you knew after they told them to go home that they were not trying their cases, do you know whether they ever called them back for another trial? A Never did call them back.
- Q Well who told them to go back home? A Judge Daniels.
- Q The judge of the Court, was he? A Yes sir.
- Q He told them that himself, did he? A Yes sir.

BY MR. HASTINGS:

- Q Simon you were a slave before the war, yourself? A Yes sir.
- Q How old are you? A 76.
- Q Can you read and write? A No sir.
- Q Do you know one year from another? A Yes sir, I think I do.
- Q Do you know what year it was you went down before the Bob Daniels Court? A No sir, I don't just exactly know what year it was.
- Q Were you admitted by them? A Didn't try anybody at all.
- Q Then there wasn't anybody admitted by it? A No sir, didn't do nothing with us only tell us to go back home.
- Q Are you willing to swear that now under oath? A That he told us to go back home?
- Q No, that nobody was admitted by that Court? A I don't know nothing about that.
- Q Did you know Mike Fields down there at that time? A Yes sir.
- Q Do you know whether he was told to go back home? A He lived there in Tahlequah.
- Q Do you know Frank Vann? A Yes sir.
- Q Do you know whether they admitted him or not? A No sir, I don't know who they admitted; didn't admit none of us.
- Q Did you know Johnson Webber? A Yes sir.
- Q Do you know whether he was admitted or not? A No sir, I don't.
- Q Do you know old man Sam Webber? A Yes sir.
- Q Do you know whether he was admitted? A No sir, he wasn't then.
- Q Were any of the Webbers admitted? A Not as I know of.
- Q You don't know what year that was? A No sir.
- Q Well have you ever been convicted of larceny? A Yes sir.
- Q Convicted in the Cherokee courts? A Yes sir.
- Q You don't know what year that was you are trying to testify about being before the Bob Daniels Court? A No sir.
- Q Where is that little house you claim to have sold Stephen; how far from the old Lynch place? A About a mile and a half.
- Q Wasn't on the old Lynch place? A No sir.
- Q He didn't come back to the old Lynch place? A Yes sir, moved right on the old Lynch place.
- Q How long did he stay there? A Until he could fix up a house and get home to the place.
- Q So there wasn't any house on the place you sold him? A A little bit of a cabin not fit to go into.
- Q What time did he move down there? A Just a little after Christmas.
- Q Have his wife with him? A Yes sir.
- Q Have any children with him? A Yes sir.
- Q What were their names? A Bill, Jesse, Judy, and I forget the other ones' name.
- Q About how old was Judy? A I don't know.
- Q From looks, you were well acquainted with them? A She was a good big girl.
- Q 5 or 6 years old? A I don't know which.
- Q She was at least that old? A Yes sir.
- Q How old was Dan Henry? A He wasn't born.
- Q He was born down there was he? A Yes sir.

- Q Well they continued to live there, did they? A Yes sir.
- Q Clean up until the time he died? A Yes sir.
- Q All the time? A No sir, he didn't, he went back to Kansas, backward and forward to work.
- Q Well when he went back to Kansas how long did he live there before he went back? A Back in the spring of 1867.
- Q Well about what time, May or June? A I can't tell what time.
- Q Your best judgment? A It was along in the early spring, best I could recollect.
- Q He stayed down there ^{then} some 3 or 4 months? A No sir.
- Q About how long did he stay down there? A A month or two, two or three months.
- Q Stayed there with his family? A Stayed there and worked on his house and moved his family in it.
- Q And then went back? A Yes sir.
- Q It was after grass was it before he went back? A I don't know whether grass was up or not; I don't recollect, it has been a good while.
- Q Did you see Jot Davis when you went down at Tahlequah before the Daniels Court? A I don't recollect of seeing him; there was so many I couldn't tell only them that went with me.
- Q What year was the Wallace Payment? A I don't know sir.
- Q What year was the Kern-Clifton Payment? A I don't know that.
- Q What year were you married? A Never was married.
- Q Did you ever have any children? A Yes sir.
- Q When were any of them born; do you know the year any of them were born? A No sir, I don't.
- Q You don't know a single one of these years, do you? A No sir.
- Q What direction from this old Lynch place did this man move? A Right west.
- Q How far? A About a mile and a half.
- Q What was that place known as? A A Cherokee lived there.
- Q What was the name? A Hully.
- Q Wasn't any in cultivation down there? A Just a little bit of a patch.
- Q It had grown up during the war? A Well the old man lived there in that little old cabin; lived there all the time I reckon; I don't know how long he stayed there.
- Q You say Judy was 4 or 5 years old when they came down there? A I don't know just how old she was.
- Q You don't want anybody to come upon you on no date except 1866, do you? A That is you to do that.
- Q Do you know a single year except 1866? A Yes sir, lots more years.
- Q Now tell us when the Wallace payment was? A I can't tell you.
- Q Tell me when a single one of your children were born? A I don't know, I will tell you Mr. Hastings, I don't know, I can't keep no record, can't keep no dates.
- Q Can't keep no dates, can you? A No sir.

BY MR. PATTEN:

- Q Do you know whether besides that place you made a trade with Stephen for and sold to him, do you know whether or not he ever made any other claim down there or not? A He made a claim right this side of it.
- Q Was that before or after you sold him this first place? A It was afterwards.
- Q How long? A It was after he moved down.
- Q A year or two after, something like that? A I don't know just how long but it wasn't a year or two afterwards.
- Q These people ~~says~~ ~~from~~ you say were down before the Daniels Court that you knew, Stephen Lynch was one of them in that crowd of people that went from your neighborhood together? A Yes sir, Big Creek, Lightning Creek came down through right there by my place.
- Q They were the ones the Court told to go home, that they were not trying their cases? A Yes sir.
- Q Mr. Hastings asked you if you were ever convicted of larceny in the Cherokee Court, were you ever pardoned of that conviction? A Yes sir.

BY MR. HASTINGS:

- Q Don't you know Bob Daniels lived right up in that section of country in 1867? A Yes sir; I don't know whether it was '67 or not, I know he lived there on his old place.
- Q He was acquainted with all you people before and after the war too, wasn't he? A Yes sir, I was born belonging to him.
- Q He knew Stephen Lynch too, didn't he? A Yes sir.

BY MR. PATTEN:

- Q You say Stephen Lynch went back and forth to Kansas after he moved his family down there? A Yes sir.
- Q What did he do that for? A Work he said.
- Q Was times pretty hard in that settlement at that time? A Yes sir, couldn't get any bread at all hardly.

BY MR. HASTINGS:

- Q Was he pretty hard up when he was down there? A Yes sir.
- Q Did he have any horses or any teams? A Yes sir, had a poor old horse; Crap went up with him to help him move.
- Q No other property except household effects? A Yes sir.
- Q Didn't have any cows? A No sir.

(Witness excused).

JOE DAVIS, being first duly sworn by B.P. Rasmus, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q State your name? A Joe Davis.
Q How old are you? A Soon be 52.
Q What is your postoffice? A Vinita, Indian Territory.
Q Are you a recognized freedman citizen of the Cherokee Nation?
A Yes sir.
Q Did you ever know a colored man by the name of Stephen Lynch in his life time? A Yes sir.
Q Did you ever know any of his children? A Yes sir.
Q Who were some of them? A Well I knew his children, step-children was Jesse Vann and Bill, Steve and Dan Henry, and there was a girl or two, I don't know them very well.
Q Did you go out of the Nation during the war? A No sir.
Q After the war was over were you ever down there in that neighborhood where Simon Lynch lived, through that country? A Yes sir.
Q When, if you remember, was the first time you ever saw Steve Lynch in the Cherokee Nation after the war? A Along in the winter of 1866.
Q About what time in the winter time? A Yes sir.
Q How did you happen to see him? A Well I was just up there and seen him up to his house.
Q How far did he live from Simon Lynch's? A I don't know that; it was over a couple of miles.
Q Was that near Grand River? A Yes sir.
Q When you saw him there do you know whether or not he had his family there with him at that time? A Yes sir, he was living there when I seen him.
Q Were you down there through that neighborhood any more for sometime? A No sir, I wasn't there; I don't know, I guess it was probably a year before I was there any more; right in that--
Q Did you see Stephen Lynch any more until you came back to that same neighborhood again? A No sir.
Q When was the next time you saw him, when you went back there? A I don't recollect, I think it was in the fall of '68.
Q You don't know where he was of your own personal knowledge in 1867? A No sir.

BY MR. HASTINGS:

- Q How old were you in 1866? A Oh I guess I was about 11 years old; I was born the 27th day of March, 1866.
Q Where were you living in 1866? A Part of the time I lived in Fort Gibson, part of the time upon the River there upon Spring Creek.

- Q What time did you move from Fort Gibson to Spring Creek? A Some-
time in the fall.
- Q What time in the fall? A Well I don't recollect exactly what
time it was; it was sometime after, along in the fall.
- Q Well how late was in the fall was it you moved? A Well I don't
know exactly when I went up there to stay or not.
- Q Was it December, January or February? A It was later than
that, it was along in the fall.
- Q Well I mean in December, winter of 1866, was it that late you
went from Fort Gibson up to Spring Creek? A No sir, I don't
hardly think it was that late.
- Q Who were you living with on Spring Creek? A I was at home with
my Uncle.
- Q How did you happen to come up to Stephen Henry Lynch's? A I
think I went with him.
- Q Stephen Henry Lynch? A No sir, I was there among them
people in that settlement and us people at that time lived in
settlements generally, a bunch of them together up there.
- Q What were you doing up there? A I couldn't tell you just went
up there to be among our people, there wasn't much to do.
- Q Have you got any memorandum of this visit up there? A Not a
bit only I can recollect of seeing lot of people together.
- Q How many cases have you testified here in the last six months?
A I don't know, I have testified for several, in as many as I
could testify in.
- Q Has Starr & Patten ever had a case down here within six months
you haven't testified in? A I don't know nothing about that;
I am testifying for these people I know.
- Q You live in Vinita? A Yes sir.
- Q And they live in Vinita? A That is right.
- Q Well now how many cases have you made affidavits in, motions to
reopen, do you have any idea? A Well I will tell you that I
have for all these people I know in this country.
- Q I am asking you how many cases you have made affidavits in
to be reopened? A Probably 15 or 20.
- Q And you are only 51 passed now? A That is right sir.
- Q And you don't know what you were doing up there at the time? A
Wasn't doing nothing; none of us never done anything to amount
to anything at that time only split rails, addanced, and have
roast beef and go to Pin meetings and that was about all was
done.
- Q Where was this place that Stephen Lynch was living upon when you
went up there? A Upon the old Lynch place on the Lynch Prairie.
- Q Living on that old Lynch place? A Yes sir.
- Q Well how far from the main house was he living or was he
living in the main Lynch house? A Well sir I don't know just
which one was the main Lynch house.
- Q How do you know whether it was in the negro quarters or the Lynch
house he was living in? A I know it was an old log house.
- Q Well now who was living in the old Lynch house? A I couldn't
tell you sir.
- Q Was any negroes or Charlee living in the old Lynch house?
A I didn't see any.

- Q How long did you stay there? A May be two or three days, I couldn't tell how long.
- Q Did you stay all night there? A I don't recollect whether I did or not.
- Q Do you remember now whether Steve Lynch lived in the old Lynch house or in the cabin there? A Well, I couldn't tell, it was an old log house.
- Q Was anybody else living there? A I don't recollect whether there was or not.
- Q You don't remember whether there was any other family on the old Lynch place at that time or not? A No sir, I don't recollect whether there was or not; there may have been somebody else in the house with him so far as that is concerned.
- Q You don't recollect? A No sir.
- Q You are the same man that testified in the Riley McNair case, aren't you? A That is what I am sir.
- Q You testified to going to the Jack McNair place and seeing Fred Martin's folks up there in the fall of 1866? A I don't know whether I did or not, I may have; I know they lived on one of the McNair's places up there.
- Q Now you don't remember anybody else that was on the Lynch place at that time? A No sir, not particular I don't.
- Q I am not asking about particular, but do you remember anybody? A Yes sir, I remember Uncle Steve Lynch.
- Q Now in what house was he living? A In a log house that they called the old Lynch place.
- Q Was it in the main Lynch house? A I don't know which it was, whether it was the main house or not.
- Q How far was the place from the River? A Oh I don't know, it was probably two or three miles I think.
- Q Do you know what direction the River was from it? A No sir, the River runs, --lets see,--the River runs all around it, there is kind of a bend there, but I think though it is west.
- Q You think the River is two or three miles? A Yes sir, here is Uncle Simon's place over here and right west is the old Lynch place.
- Q You don't remember what month you were there? A No sir, it was along in the winter, along just before Christmas, cold weather I know.
- Q I will ask you if in every case you have testified in if you haven't seen them just before Christmas, 1866? A Yes sir, because it was that time I went up there.
- Q You never did see anybody in here in the so cases you testified in except just before Christmas, 1866? A Yes sir, I seen lots of them at Fort Gibson when these negroes first came in this country.
- Q Don't you know that old man George Scraper was living on that Lynch place in 1866? A I don't know.
- Q Well you don't deny it do you? A No sir, I couldn't, because I don't know.

BY MR. PATTEN:

- Q You testified in the Mayfield case, didn't you Joe? A Yes sir.
Q We were the Attorneys in that case, weren't we? A Yes sir.
Q You testified in the Hardrick and Lyon cases? A Yes sir.
Q We were the Attorneys in that case? A Yes sir.
Q You testified in the Riley case? A Yes sir.
Q We were the Attorneys in that case? A Yes sir.
Q You made an affidavit to support a motion for a new trial in the Nelson Martin case? A Yes sir.
Q We were the Attorneys in that case? A Yes sir.
Q You are a witness in this case? A Yes sir.
Q Isn't it a fact that most all these cases are people who settled in the same neighborhood on Grand River? A That is right; they settled in the same neighborhood; we all settled up in that country together.

BY MR. HASTINGS:

- Q How far was it on Spring Creek up to this Lynch place in 1866?
A I can't tell you exactly, but I think it must be somewhere between 16 and 18 miles.

BY MR. PATTEN:

- Q When did you live on Spring Creek? A From '66 until '68; we were the first ones moved out of that country; moved on the west side of the River; directly after the war they moved there in squads.

(Witness amused).

MR. HASTINGS:

It is the desire of the Cherokee Nation to have Simon Lynch recalled for the purpose of cross-examination as to this sentence in his ex-parte affidavit made before J.C. Starr and witnesses by J.C. Starr and Guy Patten on the 6th day of December, 1903, filed in this case; "I don't remember of them (referring to the family of Stephen Henry Lynch) going back to Kansas late in the spring of 1867 although it is possible that they did go back to Kansas in the spring of 1867 to get work for support as times were very hard in this part of the country in those days, and the darkeys had a very hard time to get something to eat."

MR. PATTEN:

Attorneys for applicants have no objection whatever.

ON BEHALF OF THE COMMISSIONERS:

The witness Simon Lynch had left the room prior to the request of the Cherokee Nation and cannot be found at this time.

JOSEPHINE HUMISTON? BEING first duly sworn by B.P. Rasmus, a Notary Public, testified as follows: on behalf of Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A Josephine Humiston.
Q How old are you? A 72.
Q What is your postoffice? A Warlinville, Lynn County, Kansas.
Q How long has that been your postoffice? A Ever since Warlinville postoffice was established.
Q Where were you living in the year 1866? A On the same property I am living on now.
Q You are living at the same place? A Yes sir.
Q You lived there of course during these years of 1866 and 1867?
A Yes sir, I lived there then.
Q You have previously given testimony before the Commission to the Five Civilized Tribes with reference to a freedman family, the head of which was known as Stephen Henry Lynch? A Yes sir.
Q You knew him, did you? A Yes sir.
Q Did you know his wife? A Yes sir.
Q And you knew his children? A Yes sir.
Q You testified also when you were upon the stand with reference to a diary kept by your deceased husband, for the years of 1866 and 1867, did you not? A Yes sir.
Q What was your deceased husband's name? A William B. Emerson.
Q I will ask you to examine these two books and state whether or not they are the diaries that you identified before when you were upon the stand as being the diaries of your deceased husband, Mr. Emerson? A These are the books that Mr. Emerson wrote in daily.
Q And you also recognize this one in 1867? A Yes sir, it is the same, in 1867.

MR. HASTINGS:

I desire now to offer in evidence the two diaries referred to as being the diaries of Mr. Emerson, now deceased, but identified by the witness upon the stand, for the purpose of showing and calling especial attention to, first, entries therein with reference to the transaction of Mr. Emerson with Stephen Henry Lynch and others

of his family which will show the dates thereof; second, for the purpose of showing in detail how minutely Mr. Emerson kept a transaction of everything that went on around or about him; and third, for the purpose of showing the dates upon which the said Thomas Durvick, a witness introduced here on behalf of the applicants, was at the home of Mr. Emerson, the deceased husband of the witness upon the stand.

MR. PATTEN:

I have no objection.

ON BEHALF OF THE COMMISSIONER:

The request of the Attorney for the Cherokee Nation will be granted and the records will be copied and made a part of the record in this case.

MR. HASTINGS:

For the purpose of showing at times during the years 1866 and 1867 when Stephen Henry Lynch and members of his family is referred to in said diaries attention is invited to the following entries on the following respective dates.

January 6, 1866. Go to Pickens' mill get 272 lbs. of flour at 7 cts per lb. \$19.04 one sack \$1.00 & \$4.42 cash total \$24.46.
Paid to Sutton for S. Potts for S. Lynch \$27.00 to Steve 100 lbs. flour \$7.00 total \$34.00 & leaves \$27.90 due Steve.

January 20, 1866. Pay Steve \$5.00 for road shopping hauling etc. and go to Linville to commence survey of road from Linville toward Garnett in Anderson Co. S.C.

March 9, 1866. At Road Record Linville and Garnett. Pay S. Steve trade. Pay Steve \$1.00 for me.

March 12, 1866. At Road record I & S Road. Steve worked yesterday for me being 1st day of months work.

April 2, 1866. Receive \$25.00 of Steve and pay Amund \$25.00 including Rockville at \$1.75 and Guinea at .50.

June 20, 1866. Buy Steve out wheat.

June 25, 1866. Finish his wheat and commenced cutting my eye.

July 2, 1866. Steady Steve's wheat. A shower about 1 o'clock. Rain hard in the night.

August 24, 1866. Meet this morning slight says Steve. Stack hay today.

September 1, 1866. Stack hay, Steve helps.

September 7, 1866. At home. Steve helps top out a stack of hay. Pay Steve \$2.35 for haying. chore for McRea who is sick.

September 13, 1866. Commence grinding Steve's sugar cane in P.M.

September 14, 1866. Continue making molasses for Steve.

September 15, 1866. Finish Steve's molasses 45 gallons in all. Give $1/4$ for use of mill. Strip cane in P.M.

September 20, 1866. Commence grinding sorghum cane in P. M. Boys & Steve in P. M.

September 22, 1866. Continue grinding sorghum, Hulbert and Frear help. Steve goes to Ft. Scott.

September 24, 1866. Go to Dist. Court. Steve & boys Fraer & Hulbert & Pagington work at molasses.

September 25, 1866. Pag., Steve & boy & Mr. Frear help in molasses making.

September 26, 1866. Pag. goes home at noon, Hulbert at night, Steve & boys continue.

September 27, 1866. Steve all day. Boys $1/2$ day.

September 29, 1866. At Dist. Court, discharged from duty of G.J. Give Frear 5 gallons molasses for labor. 250 gal. molasses made & raised on the place. 45 Steve, 100 McRea, 100 mine, $1/4$ of all Wolfingers.

October 8, 1866. Paid Steve for work \$5.00.

October 15, 1866. Steve commences work.

October 17, 1866. Cole quits mowing in A. M. J.Q.A. & Pag help, Frear & Steve continue their work.

October 18, 1866. Rain soon after day light. Frear, Steve help all day, Pag. & J. Q. A. help one half day.

December 8, 1866. Continue same and go to Baileys at night. David Frear and Steve each worked four days for me this week.

January 30, 1867. At home recording. Steve and Jesse haul hay. Very pleasant, getting warmer, 46 above zero at noon.

January 31, 1867. Owe Steve for 14 $1/2$ days on month but reduce the same by paying him cash 5.00, lamp & oil can 1.25, credit him with Jesse's work two days on the road and one hauling hay.

March 6, 1867, Showing so I stay at home. Pay Steve 20 cts. toward his work.

March 24, 1867. Pay Steve \$4.00 for Pagington.

April 17, 1867. Faggie gets 10 gallons of molasses for Steve Lynch.

April 21, 1867. Pay Steve 50 cts. tale money and \$6.00 toward Cal Ac.

April 22, 1867. Steve works.

April 23, 1867? Steve works.

May 19, 1867. Steve's Sarah dead and buries today.
 June 7, 1867. Got two bushels corn meal of Steve
 at \$3.20.
 June 13, 1867. Pay Steve \$7.30, \$3.60 of which is
 for his meal & tell money of the 7th inst.
 June 20, 1867. 1.10 to Steve on balance months
 work.
 July 1, 1867. Steve hauls wood 1/2 day.
 July 2, 1867. Frear, Dewey, Mumford & Steve cut
 wheat.
 Frear, Steve & Dewey Mumford harvest wheat.
 Splendid shower in P. M.
 July 4, 1867. Mr. Frear & Steve harvesting wheat.
 July 5, 1867. David Frear and Steve only cut at
 wheat & rye today. Rained last night.
 July 6, 1867. Steve, David Frear & Dewey Mumford
 work 1/2 a day at harvesting.
 July 8, 1867. David Frear, E.D. Mumford and Steve
 harvest Rye & wheat.
 July 9, 1867. Steve plows corn with the old mare
 west of the house.
 July 10, 1867. David Frear and Steve at wheat and
 Rye all day. E. Dewey Mumford 1/2 the day except Steve
 plowed corn and hoed potatoes &c. in A.M.
 July 16, 1867. Steve works at wheat.
 July 17, 1867. Steve works at wheat.
 July 18, 1867. Steve binding wheat & rye.
 July 19, 1867. Steve pays 90 cts. toll for me at
 Farlin & Rustons Mill.
 July 20, 1867. Steve hoos corn for me and finishes
 tying up the wheat.
 July 21, 1867. Steve gets 3/4 gal. Molasses.
 July 21, 1867. Steve hoos corn today.
 July 22, 1867. Stack wheat & rye in A.M. ?
 Hulbert, Steve & Jesse Lynch help me.
 July 23, 1867. Steve & Jesse haul in balance of
 Rye & oats & stack it.
 July 29, 1867. Steve completes digging cellar
 drain & charges \$4.00 therefor.
 July 31, 1867. Steve putting in rocks in drain.
 August 4, 1867. Pay Steve 22.00 & square seats.
 Pay Peggy 2.50 & square seats.
 August 12, 1867. Pay Steve \$10.00 for 10 days
 work commenced on the 5th inst.
 August 17, 1867. At home. Steve helps share in
 the P. M.
 August 19, 1867. Steve 1/2 day, Hulbert, Wm. Mumford
 & David Hill help at hay all day.
 August 20, 1867. Steve starts to Sharlene Indian
 country.
 September 2, 1867. Steve hauls two little jags
 of wood.

September 30, 1867. At home, sow some wheat. Measure corn ground bought from Steve amounting to 6.76 acres at \$7.50 acre. Thomas Barwick commenced months work at noon at \$20.00 per month.

October 8, 1867. Pay Steve 6.50 cash. Pay merchandise, apples .50, coffee & Tea 2.00, Ayers Ague Cure 1.00.

October 15, 1867. Pay Steve 8 1/2 dollars.

October 17, 1867. Steve leaves 13 1/2 bushels of corn with me for safe keeping.

October 19, 1867. I go to convention at Centerville. Get 15.00 dollars due me of McRae, also 17.00 dollars which borrow of McRae to pay Steve. McRae goes home with me and trade horse with Steve. Give McRae 40 cts for Jesse.

October 20, 1867. Pay Steve \$36.00 cash.

October 21, 1867. Pay Steve \$17.25 toward corn and 85 cts. to Bill & Jesse also \$1.00 for corn in the crib.

October 22, 1867. Steve & Brother Bill start back to the Cherokee station. T. Barwick gets back not able to work. Steve takes 7 1/2 bushels corn out of the crib again.

BY MR. HASTINGS:

Q I will ask you Mrs. Humiston if this was also your husband's day book? A Yes sir, it was his day book.

MR. HASTINGS:

I desire to read from the day book identified by the witness the following item on January 31, 1867:

Stephen Lynch Cr.

By 14 1/2/ 26 months work at \$20.00 per month.

11.15 7/10

Also by three day work by Jesse

at 25 cts. per day, 1 day hay hauling,

2 road

.75

& by paying toll &c

.50

Dr.

To cash

8.50

Lamp & oil can

1.25

6.75

MR. HASTINGS:

I desire to call special attention to the following items with reference to Thomas Barwick.

September 27, 1867. Tho. Barwick agrees to work a month for \$20.00 for me.

September 30, 1867. Thomas Barwick commenced months work at noon at \$20.00 per month.

October 1, 1867. T. B. at work.

October 9, 1867. Tho. Barwick chills in P. M. and does nothing.

October 10, 1867. Tho. chills in evening, did a few chores.

October 11, 1867. Barwick still chilling.

October 12, 1867. Thomas Barwick & family take my team and go to Oakwood to Henry & Wm. Scotts.

October 14, 1867. T. Barwick gets back from Henry & Wm. Scott's at 1 o'clock P.M. digs potatoes. Barwick picks them up.

October 15, 1867. Barwick and Pagington hauling fodder and corn from patch W. of house. Pay Steve \$ 1 1/2 dollars.

October 16, 1867. Pagington & T. Barwick both working for me.

October 17, 1867. Pag. & Barwick work for me.

October 18, 1867. T. Barwick harrows awhile commences to plow & takes a chill about 10 o'clock A.M. & quits for the day.

October 19, 1867. T. Barwick works until near mid P. M. then goes to Oakwood to line yesterday & today making about 1 days work.

October 22, 1867. T. Barwick gets back not able to work.

October 23, 1867. Barwick not able to work. He goes to town with us.

October 25, 1867. Barwick able to do some work.

October 26, 1867. Barwick chops down a hickory east of the house on the side hill & rolls part of it down hill.

October 27, 1867. Barwick leaves for parts unknown he has informing us whether he goeth.

BY MR. HASTINGS:

Q You have already testified that you are the same person who was the wife of the Mr. Emerson who kept these diaries? A Yes sir.

Q You were his wife at that time? A Yes sir.

Q You say you knew Stephen Henry Lynch and his family? A Yes sir.

Q About how far did you live from them during those two years of 1866 and 1867? A It was near 100 yards.

Q They were living on your place? A Yes sir.

Q Where did you get water? A From the same spring.

Q Did you both live on the same side of the spring? A No sir, I lived on the north side and they lived on the south side.

- Q Could you see their place from yours? A We could see the house.
- Q Did you ever miss Stephen Henry Lynch from your place for any length of time prior to August, 1867, as is stated by the diary of your husband? A No sir, he never was away any length of time to my knowledge.
- Q Do you know whether he and his family lived there in that house, which you have mentioned, through the entire year of 1866 and the winter that followed it and up until the summer or fall of 1867? A Yes sir, they were still living there all that while.
- Q Did his family ever live there during that fall or winter of 1867? A No sir. *leave*
- Q Did Steve ever live there so far as you know up until August, 1867? A Not to be gone any length of time.
- Q Did you ever miss him from there? A No sir.
- Q Did you know his wife well? A Well acquainted with her.
- Q About how long did they live on your place? A They came in the spring of 1863 and left in the fall of 1867.
- Q Did this man Thomas Barwick ever work for your husband prior to September, 1867? A No sir.
- Q You knew him I believe you stated? A Yes sir, I knew him.
- Q And he did work there as this diary states? A Yes sir, he worked for a short time.
- Q Did you remember his wife? A Yes sir.
- Q Did you know her previous to their marriage? A I knew her when she was young.
- Q Could it have been possible for Stephen Henry Lynch, together with his family, to have left your place in the late fall of 1866 and come to the Cherokee Nation and remain here some two or three months, or until the late spring or early summer of 1867 without your knowing it? A No sir, he could not.

BY MR. PATTEN:

- Q You say that Steve Lynch came up there about when? A That he first came to the place?
- Q Yes? A In the spring of 1863.
- Q Did he have his family with him when he came? A Yes sir.
- Q It would not be possible that you are mistaken on that? A No sir.
- Q You are sure of that? A Yes sir I am; I can tell you why if you want me to.
- Q All right? A I met them first in the fall of 1862 when my son was born, my only son and Peggie did some work for me; she did work for me all through the winter and then in the spring they moved on to our place; that winter they were living west of us perhaps three quarters of a mile and then they moved that spring following and made five crops there; and we passed right by their door every time we went out on the highway, as near as you pass this building when out on the street.

- Q Isn't it possible you could be mistaken a few months on any of these dates I say? A No sir.
- Q ~~Isn't~~ It isn't possible you could be mistaken five or six months or four months as to when Steve Lynch came to your place? A No sir, it couldn't be possible.
- Q You are as positive of that as you are it is impossible for Steve Lynch to have been away from your place a month or two in the fall of 1866? A I don't understand your question?
- Q My question was, it is no more possible that you could be mistaken six months time as to when Steve Lynch came to your place? A No sir.
- Q You are just as positive about that, are you Mrs. Humiston, as you are that Steve Lynch wasn't away from that place for a couple of months; say a month, two months along in November or December or part of January, 1866 and 1867; that is impossible too in your estimation? A Yes sir, that is impossible.
- Q Now why is it impossible that Steve Lynch could not have left there along the fore part of December, 1866, say about the first week of it in December, 1866; is it possible that Steve Lynch could have left there at that time and been gone a month without your knowing it? A That is impossible.
- Q It is absolutely impossible that you could be mistaken about anything in this matter? A Yes sir, it is.
- Q It is impossible that you could be mistaken in your memory about matters that occurred 40 years ago? A It is impossible; I couldn't think of such a thing.
- Q It would be impossible for you to be mistaken? A Yes sir, impossible.
- Q It would be impossible for Steve Lynch to have left your place two weeks and come down to the Nation and bought him a cabin down here in December, 1866, and you not have known it? A I would have certainly known it.
- Q It would have been impossible for him to have done that and you not have known it? A I certainly would have known it.
- Q It would have been impossible for him to have left there and come down to the Cherokee Nation and bought him a little cabin down here on the public domain as a future home; it would have been impossible for him to have done that and made the trip back and forth for the length of time it would have taken, a week or ten days, it would be impossible? A I don't see how he could have done it; it is impossible.
- Q In fact he was living on your place in 1866? A Yes sir.
- Q That was just about 40 or 41 years ago? A Yes sir.
- Q And yet you are willing to swear, are you, that that man couldn't have been away from your place a week or ten days forty years ago and you not have known it? A I am willing to swear it.
- Q It is impossible then is it that you could be mistaken a few months on any of these times that you have testified about, is it? A I am telling the truth.
- Q Yes, I know, I want to see how strong you are? A I am telling the truth.

- Q You mean to say yes to that question, do you? A Yes sir.
- Q You have testified several times in this case, have you? A Twice before.
- Q You have been just as careful every time as you have been this time? A Yes sir.
- Q You have been just as positive, have you? A Yes sir.
- Q Well you say you came in the spring of 1863; that is when he came on to the farm was it? A Yes sir.
- Q Are you the same Josephine Humiston that testified in the Freedman case here at Muskogee, on January 4, 1906? A No sir, I was not here in January.
- Q Are you the same Josephine Humiston who testified in Muskogee before the Commissioner on December 21, 1905, in the supplemental proceedings had in regard to the application for the enrollment of Jacob Benn, et al., as Cherokee freedmen? A Yes sir, I testified here that day.
- Q Now I will ask you if while a witness here if Mr. Davenport, the gentlemen sitting right there (indicating Mr. Davenport) didn't ask you this question; "Do you remember what year they went to your farm," (referring to Stephen Henry Lynch and his family)? A Yes sir, he asked me that question.
- Q And didn't you answer, "they came in the fall of 1863?" A No sir, spring of 1863.
- Q I am not asking now when they came? A I have always answered it that way, the spring of 1863.
- Q You are willing to swear then that you didn't make that answer? A It is the spring of 1863.
- Q You say now it is the spring of 1863? A Yes sir.
- Q You testified before the Commissioner down here on that date, December 21, 1905? A Yes sir.
- Q Now Mrs. Humiston you have examined that record carefully, have you? A I have looked it over somewhat but I can't swear to any of the dates there.
- Q You are not attempting to swear from that record? A I am attempting to swear that those books were kept by my husband.
- Q Other thing came from your memory? A Yes sir, I remember from the birth of my son; he was born in the fall of 1862, and then in the spring they moved on to my place and they raised five crops there.
- Q When you were testifying about it being absolutely impossible for Steve to have been away from there as much as a week, you were testifying from your own recollection? A Yes sir, because I knew when he wasn't working for my husband he was working wherever they wanted him to work.
- Q You are testifying from your own independent recollection? A Yes sir, I remember it.
- Q You were not testifying then from the record, testifying from your own independent recollection? A From my recollection.
- Q You could have testified just as positively and strongly without the record? A I couldn't have given the dates, only the year.
- Q When you testified that it was impossible for him to have been away from there a week and been down here, you could have been just as positive about it without the record? A Yes sir, I think I would have felt sure in my mind that I was telling the truth.

- Q That your positiveness as a witness in this case is based on your own memory and your own recollection and not because you have that record? A What I remember, I remember, Yes sir.
- Q I will ask you, and if necessary you may examine the record, if that record doesn't show, as Mr. Hastings read from it, Steve working for your husband every few days and part of the time continuously from January 6, 1866, March, April, June, July, August, and almost every day in September continuously, 1866, doesn't it? A Yes sir.

MR. PATTEN:

At this point in order that we may be certain that the record show a copy taken directly from the book identified by the witness, we desire to ask that that part of the record referring to Stephen Lynch on page 2 be copied into the record.

MR. HASTINGS:

I have no objection; let the Attorney for applicant read it.

MR. PATTEN:

January 1st.

Stephen Lynch Cr.

By 14 1/2/36 months work at	
\$20.00 per month	11.18 7/10
also by three day work by Jesse at	
.25 cts. per day 1 day hay hauling	
2 road	.75
& by paying toll &c	.50

	Dr.	
To Cash	5.80	
Lamp & oil can	1.25	6.75

- Q In 1866 who were your nearest neighbors other than Steve Lynch?
A Mr. McRae, Mr. Halbur, and Mr. Hamford, step-son of Halbur
- Q Who worked for Mr. Hamford in 1866? A He had a good many to work for him; Mr. Frear was one and his son David.
- Q Where did they live at that time? A Just north of us.
- Q How far? A Adjoining farms.
- Q Where do they live now? A The old gentleman is dead and the children are scattered.
- Q Did he have one son living there at that time? A Yes sir, three sons, his son David was a man grown, and he worked a good deal.
- Q Where is David? A He is dead.
- Q Where did he die? A Near Centerville, Kansas.

- Q He continued to live in that community until he died? A Well he married and lived just a short distance from us when he died.
- Q Did any one else besides Frear you remember worked for you? A Paginton.
- Q Do you remember any one else? A David Hill.
- Q Where does he live now? A I dont know.
- Q Did he leave that country? A Well he did but I have heard of him quite often, but I dont know his whereabouts now.
- Q Was he there in 1867, Mr. Hill? A I am not certain about that.
- Q Did he work for you, for Mr. Emerson in 1867? A I am not certain about that.
- Q You know he worked for you sometime about then, do you? A Yes sir.
- Q You dont know what year it was? A I dont know which year; I cant say now just which year it was.
- Q When did he leave that community up there? A I dont know just what time he left; he was a single man.
- Q You dont know what year he worked for you? A I dont remember.
- Q And you dont know what year he left there? A No sir.
- Q Know of any one else that worked for you that afterwards left there? A Mr. Paginton worked quite often.
- Q When did Paginton move away from where he lived right close? A He lives pretty near now, only four miles away.
- Q Did he live with you in 1866 and 1867 up there? A No sir, I think not, he lived where he does now, four or five miles away.
- Q Mr. McRae lived near you in 1866 and 1867? A Yes sir, in the same house where Paginton formerly lived.
- Q How long did he live there? A Perhaps one year.

BY MR. HASTINGS:

- Q If the notes of your testimony given on December 21, 1905, made you answer that Stephen Henry Lynch's family came to your place in the fall of 1863, that is a mistake is it? A Yes sir, that is a mistake they moved there in the spring.

(Witness excused).

MR. PATTEN:

At this point for the purpose of impeaching the witness, Josephine Humiston, I desire that that part of her direct examination conducted by Mr. Davenport at Muskogee, on December 21, 1905, in the supplemental proceedings which were had in the matter of the application for the enrollment of Jacob Bean, et al., as Cherokee Freedmen, that part which constituted the question and answer herewith: "Do you remember about what year they came on your farm? A They came in the fall of 1863." We ask that that be made a part of this record.

MR. HASTINGS:

I have no objection.

ON BEHALF OF THE COMMISSIONER:

There being no objection the request of the Attorney for applicants will be granted.

ON BEHALF OF THE COMMISSIONER:

It now being five o'clock P.M. the hearing of this case will be continued until nine o'clock A. M. tomorrow, January 11, 1907.

January 11, 1907.

In pursuance of continuance above noted, this case being called for further hearing, the following proceedings were had:

LEANDER KEAN, being first duly sworn by John E. Tidwell, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTER:

- Q State your name? A Leander Dean.
Q How old are you? A About 36.
Q What is your postoffice? A Vinita, Indian Territory.
Q Are you a recognized Freedman citizen of the Cherokee Nation?
A Yes sir.
Q Did you go out of the Nation during the war? A Yes sir.
Q When did you return to the Cherokee Nation after the war? A Well I came down in the fall of 1866.
Q About what time? A Somewhat early, about October sometime.
Q Somewhere along in October, about that time? A Got down here about that time, yes sir.
Q Were you ever acquainted with Steve Lynch, a colored man, during his life time? A Yes sir.
Q Did you know him before the war? A Yes sir.

- Q Do you know whether or not he went out of the Nation during the war? A Yes sir.
Q When was the first time that you remember that Steve Lynch came back to the Cherokee Nation after the war? A Shortly after I came down.
Q The same fall? A Yes sir.

- Q Where did he go at that time he came down, do you know?
A He went to Simon Lynch's.
- Q Well when he came down that time do you know whether or not he brought his family with him? A No sir, didn't bring no family.
- Q Well about when did he bring his family down? A Somewhere during that winter, somewhere, I don't know what time though, about,--it was cold weather.
- Q Well when he first came down here by himself or at either time do you know whether or not he ever laid him a claim or got him a place down here? A No, not particularly.
- Q You don't know about that? A I don't know what about that.
- Q Well where did he live, where did he take his family when he brought them down here that winter? A He took them over there to where he died at; over there about Simon's, right out close to where he died, on the old Lynch place; seem to me about the same place he left, where he used to live.
- Q Did he live in that same neighborhood where he took his family after that up until his death? A Yes sir.
- Q Where did you live at that time? A I lived up there at that Dr. Thompson place, above him there.
- Q About how far away from that? A I guess straight through by crossing the River twice about two and a half or three miles probable.
- Q How far is it around? A I guess 12 miles, I expect, 10 or 12.
- Q Now after Steve Lynch brought his family down that winter, do you know whether he ever went back to Kansas again or not, or do you know? A No sir, I don't; I don't know much about him that way, he might have, I don't know.
- Q What was the condition of times in the Cherokee Nation at that time, pretty hard? A Yes sir, I reckon so.
- Q Do you know whether or not there was many or a great number of freedmen who went back to the states along in 1867, the year following the time they came down here in order to work or such as that? A I couldn't name the men.
- Q Were there quite a number of them did that? A Yes sir, had to and went back and worked a little while at a time, and some Indians too.
- Q Were you ever at what was known as the Bob Daniels Court, the Supreme Court of the Cherokee Nation, at Tahlequah in 1871, when it was held there? A Yes sir.
- Q Do you know whether there was a great number of freedmen appeared before that Court about that time? A Yes sir, there was a good many.
- Q That was at the time that they were supposedly summoned there in regard to their citizenship rights? A I suppose so.
- Q Well do you know whether or not that bunch of people or a large part of them from over there on Grand River where Simon Lynch lived and where Steve Lynch lived and where you lived, went down there? A Yes sir, pretty near all of them from that neighborhood went.

- Q Q Do you know of anything that happened down there in regard to these cases or any part of them about trying them or anything like that, why relate it? A All the old man said about, asked me what I was doing there, Bob Daniels himself. I had left his place and went down there just on my own responsibility and he asked me what I was doing there and I said I was just come down to see what you fellows were doing and he said no use for you to come down here, why you have got just as good a right as I have, in fact we are not wanting or calling for you fellows down here so you go on back home and go to work.
- Q Is that what he told a bunch of these people in your presence? A Yes sir, told all the people there at that time.
- Q He also told you there was no cause for you to be there, that you had a good right? A Yes sir, had as good a right as he.
- Q Do you know whether or not you were admitted by that Daniels Court? A I dont know whether I was admitted or not.
- Q Your citizenship rights ever disputed? A Yes sir.
- Q You are not on the 1880 Roll? A Yes sir.
- Q Your case was tried before the Commission here? A Yes sir.
- Q Your enrollment has been approved by the Secretary? A Yes sir.

BY MR. HASTINGS:

- Q You were a slave before the war? A Yes sir.
- Q How old do you say you are. A I am some over 56, but about 56, I am not 57 yet, not far from it.
- Q Was your father alive in 1871? A No sir.
- Q What was his name? A Jack Bean.
- Q Do you know the first year you ever saw Stephen Henry Lynch? A Yes sir, I know in '66 in the fall.
- Q you know it was 1866? A Yes sir.
- Q What are you so restless in your seat for why dont you sir there and answer? A I am sitting here.

MR. PATTEN:

Wait a minute, we object to this impertinent manner-----

On motion of the Commissioner this case was here continued until 1:30 P. M.

(Cross-examination of witness Leander Bean continued at 1:30 P. M.)

- Q Were you a slave before the war? A Yes sir.

- Q How old were you in 1866? A I was 16, 18 years old somewhere.
- Q Where were you living at that time? A Lived part of it in Kansas and part down here.
- Q Well after you come down here where were you first living?
- A Up here at the Dr. Thompson place.
- Q And how far was that by road, the way you had to go around to get down to this Joe Lynch place? A About 10 or 12 miles.
- Q Were you ever down to that Lynch place in the year of 1866?
- A Yes sir.
- Q What time in the year were you down there? A Oh it was along the latter part of October, somewhere along about then.
- Q At that time did you see Steve Lynch? A Yes sir.
- Q Did you see his family? A No sir.
- Q Did you ever see his family? A Yes sir.
- Q When did you see his family? A Along that winter, it must have been I expect a half month, maybe a month, somewhere along there; it was cold weather.
- Q Was it as late as the last of November? A It was later than that.
- Q Was it as late as January? A It was about Christmas time.
- Q What were you doing down there? A Went down to see them folks down there.
- Q Who was living on the Lynch place at that time? A This old man Stephen Lynch.
- Q Who else was living there? A I dont know of anybody else there in the house at that time.
- Q Who was living there in October when you were down there? A The same parties, that is Simon Lynch lived close there.
- Q Dont you know that George W. Scraper was living in that Lynch house in 1866 and made a crop there? A I dont know as he made a crop.
- Q But he lived there? A I dont know, it seems to me he got out.
- Q Was he living there when you were down there? A Had been living but I dont think he was there then.
- Q Well who was living there at that time? A This old man Steve Lynch.
- Q Anybody else living there? A Well wasn't living in that house then, in his own house, a house he built before the war I reckon, he built it.
- Q And how far from the main Lynch place? A It was right close, I dont just know how far.
- Q Now you say you dont know whether his family went back up there after you saw them after Christmas or not? A No sir, I dont know nothing about them going back.
- Q Were you down there any time after Christmas, 1866, during the year 1867? A A good while afterwards.
- Q Were you down there in the spring any time? A No sir, not in the spring.
- Q Were you down there in the early summer? A I didn't see them at all.

- Q Did you see them in the late summer of 1867? A No sir.
- Q Will you swear that Stephen Lynch didn't work for a Mr. Emerson up in Kansas for four days during the week ending January 8, 1866? A No sir, I wont swear that; I dont know nothing about him working there.
- Q Will you swear that Stephen Lynch and his family and that this Jesse Vann were not in Kansas, and that Stephen Lynch did not work for Emerson 14 1/2 days during the month of January, 1867?

MR. PATTEN:

We desire to object to the question because we are of the opinion that the record will show, while he paid him for 14 1/2 days work during January, 1867, the record does not show that the work was done at that time.

ON BEHALF OF THE COMMISSIONER:

The objection will be noted.

- A I swear he come down here about Christmas time, somewhere in December.
- Q I asked you if you will swear he didn't work 14 1/2 days for Emerson in the month of January, 1867? A No sir, I wont swear it; I dont know nothing about it.
- Q You dont know where he was in the month of January, 1867? A No sir, I wont swear that.
- Q Will you swear where he was on March 6, 1867? A I dont know anything about the '67 business.
- Q Did you see him during March, 1867? A No sir.
- Q Did you see him during the month of April? A I didn't see him at all.
- Q Were you ever down at the Lynch place? A I have been there yes.
- Q I mean during the year 1867? A I have been down there.
- Q Well were you at the Lynch place during the year 1867? A Yes sir, I have been by there.
- Q Did you see Steve Lynch there? A I didn't see him.
- Q See any members of his family there? A No sir.
- Q When Stephen Lynch first settled after 1867 where did you find him? A I found him down below there where he died.
- Q Did he build a house down there? A I think he did, I am pretty sure he did.
- Q Pretty sure he built a house down there? A Yes sir.
- Q Did he build a new house when he come there? A Yes sir.
- Q And moved into it? A Yes sir.
- Q Out there in the woods? A In the edge of the woods.
- Q Made him a place out there, did he? A Yes sir.
- Q Do you know anything about him trying to get on a place of Anderson Benge's? A No sir, I dont.

- Q Never heard of that? A No sir, I don't know anything about it.
 Q Do you know anything about dates? A Not much.
 Q You have got no record nor data about when you saw this family?
 just depend on your memory? A I didn't keep any dates,
 no records.
 Q What year did they have the Wallace payment? A In '89.
 Q Didn't you know they never made the payment that year? A I
 don't about the payment, the Court is what I was thinking about.
 Q Do you know when they made the payment? A Shortly after that
 sometime.

(Witness excused).

JOHN BRAN, being first duly sworn, by B. P. Rasmus, a Notary
 Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q State your name? A John Bran.
 Q How old are you? A 70.
 Q What is your postoffice? A Ketchum, Indian Territory.
 Q Are you a recognized freedman citizen of the Cherokee Nation?
 A Yes sir.
 Q Did you go out of the Nation during the war? A Yes sir.
 Q When did you return to the Nation yourself after the war? A '66
 Q What time in 1866? A Along early in the fall.
 Q Were you ever acquainted with a colored man by the name of
 Stephen Lynch any time in his life time? A Yes sir.
 Q Did you know him before the war? A Yes sir.
 Q Do you know whether or not he was out of the Nation during the
 war? A Yes sir, he was out.
 Q You say you returned yourself in the fall of 1866? A Yes sir.
 Q Well now when was the first time that you remember of ever
 seeing this Stephen Henry in the Nation after the war after you
 came back? A Along in the winter of '66.
 Q Was that the winter following the time you came back? A Yes sir.
 Q Where did you see him at that time? A At the Joe Lynch place.
 Q In the Cherokee Nation? A Yes sir.
 Q By Grand River? A Yes sir.
 Q Was he there in the neighborhood of where Simon Lynch lived?
 A Yes sir, right place there.
 Q At the time you saw him there as you stated, in the winter of
 1866, did he have his family there? A No sir, his family
 hadn't come yet.
 Q Did you see him sometime before the winter as you stated, when
 was it you first saw him? A That was in that fall sometime
 he went back to Kansas then.
 Q Did he have his family the first time? A No sir.

- Q Did you ever see him in the Cherokee Nation after he had his family here? A Yes sir.
- Q When was the first time you saw him then? A Along in the winter of '66, just before Christmas.
- Q Did he have his family living there? A Yes sir.
- Q What, if you remember, were the condition of times in the Cherokee Nation in the spring and summer of 1867 following their return, were they hard? A Yes sir, they were pretty hard.
- Q Do you know whether or not any or a large number of freedmen ever went back to the states from where they came after the war during that year? A Yes sir, several of them went back.
- Q Did you ever go back yourself? A Yes sir, I went back two or three times.
- Q What was it that rendered it necessary to make these trips back? A Provisions.
- Q Couldn't they get them down here? A No sir, not handy they couldn't. Wasn't any work or nothing to do.
- Q Were you ever before the Supreme Court of the Cherokee Nation about 1871, what is commonly known as the Daniels citizenship Court? A Yes sir, I was there.
- Q At the time you went did anybody else go? A Yes sir, lots of them went.
- Q Did that aggregation from around Grand River, that neighborhood, were they down there? A Yes sir.
- Q What, if any, kind of a trial, what did they do in regard to those citizenship matters? A Nothing, never done nothing.
- Q Did you stay or go home? A Went home after Judge Daniels told us to go home, that they didn't have no use for us then and we all come home.
- Q Well did this crowd that went there from that neighborhood on Grand River, did they go together? A Yes sir, a whole lot of them went together.
- Q And how long did you stay down to Tahlequah? A Two or three days, I guess.
- Q Did you stay until the Court told you that you said? A For us to go home, he didn't raise nothing on us.
- Q What did he say? A He just said he didn't have no use for us there, wasn't calling us there yet.
- Q Were you ever called before that Court any more, before the Bob Daniels Court? A No sir, wasn't called back there no more.

BY MR. HASTINGS:

- Q Were you a slave before the war? A Yes sir.
- Q You can't read nor write? A No sir.
- Q You testified in a great many of these cases for Starr & Patten, haven't you? A Three I believe.
- Q Well I will ask you if these same Attorneys had you to sign an affidavit to be filed in support of a motion to reopen the case of Rachel Whitaker, P D 166? A I don't know as I knowhe r.

MR. PARTEN:

The Attorney for applicants would ask that since the witness has stated that he didn't know her, that the Attorney for the Cherokee Nation explain more fully what the case is so that the witness may more intelligently answer.

ON BEHALF OF THE COMMISSIONER:

The suggestion will be noted.

- Q Her father is George Bryant; did you make an affidavit to support a motion to reopen that case? A Yes sir, if that is the Rachel,--Raabe McGhee when I knewed her.
- Q Are you the same Toke Bean that made an affidavit for these same Attorneys to be attached to a motion to reopen in the case of Jennie Martin, D 197? A Jennie Martin,--Nelson Martin's daughter?
- Q Yes. A Yes sir.
- Q Are you the same Toke Bean that made an affidavit to support a motion to reopen the case of Elias Downing, D 245? A Yes sir.
- Q Did you make an affidavit to support the case of Moses Riley D 258? A Yes sir.
- Q Are you the same Toke Bean that made an affidavit to support a motion in the case of Emma Purdie D 255, a sister of Hose Eiko Riley? A I dont recollect making any affidavit to that effect.
- Q You made an affidavit in this case, the Jesse Vann case? A Yes sir.
- Q You made one to support a motion to reopen the Sam Landrum case, D 392? A Yes sir.
- Q You also made one to support a motion to reopen the Payton Martin case, D 304? A I dont think I had anything to say in Pate's case.
- Q Well did you or did you not? A I dont think I did; I dont recollect it if I did.
- Q Are you the same Toke Bean that made an affidavit to support a motion to reopen the case of Katie Thornton, D 578? A Yes sir.
- Q You have testified in a good many cases, besides these? A No sir, I dont recollect that.
- Q How far did you live from the old Joe Lynch place? A About a mile.
- Q How far was it by road? A Just about a mile.
- Q Well when you first settled up there in 1866? A Oh it was about three miles then.
- Q Across the River? A I stayed on this side of the River awhile.
- Q At whose place? A At the Charles Landrum place.
- Q Who was living in 1866 on the old Lynch place? A Old man Scraper.
- Q Old man George Scraper was living there? A Yes sir.
- Q That was George W. Clark's father-in-law? A Yes sir.
- Q Did George Clark have occasion to be at old man Scraper's now and then? A I never saw him there.

- Q Well you made an affidavit to support a motion to reopen this case once? A Which case?
- Q This Jesse Vann case? A Yes sir.
- Q You didn't say anything in your affidavit, which was quite an extensive one, you didn't say anything about having seen Stephen Henry Lynch down here in the fall of 1866, did you,-- I mean in the early fall, that is down here by himself?
- A If it is there I made it.
- Q I say you didn't say anything about it in that affidavit; did you? A No sir.
- Q Why didn't you? A Didn't know it was necessary.
- Q Where did you first see Stephen Henry Lynch in the Cherokee Nation after the war? A Over there at the Joe Lynch place.
- Q And Scraper was living on the Lynch place at that time? A I think he had moved back across the Prairie.
- Q Then Scraper had moved away before you saw Stephen Henry Lynch there? A When I saw him the first time he hadn't moved away.
- Q That was when he come horse back? A Yes sir.
- Q But when he moved Scraper was gone? A Yes sir, I think he had.
- Q Now when he moved where did you first see him? A On the Joe Lynch place in the old house he moved out of before the war.
- Q Where were you living then? A Down close to the mouth of Cabin Creek.
- Q Who were you living with? A Crap Lynch.
- Q Now about what was the first time in the year you saw Stephen Henry Lynch? A Along in the fall sometime, I dont know exactly what time.
- Q Early in the fall? A Yes sir, pretty early, about the middle of the fall.
- Q September? A I guess it was October.
- Q Before the middle of October? A It might have been before the middle, it was in October sometime.
- Q When did you next see him? A I saw him along before Christmas a short time.
- Q Well how long before Christmas? A A week or two I guess.
- Q Well now where did you next see him after that? A Right there at the same place he was living there.
- Q How long after Christmas before you saw him? A I saw him there Christmas.
- Q Well how long after Christmas? A Saw him until along the first of the spring.
- Q In March or April? A I dont know whether it was March or April it was one of them months.
- Q You saw him right along all the time until March or April? A Yes sir.
- Q And right there on the Lynch place? A Yes sir.
- Q Family was living there? A Yes sir, after they moved there his family lived there.
- Q You saw him and his family right along until March or April, 1867? A Yes sir, sometime directly after Christmas.
- Q Well you saw them from directly after Christmas until March or April, 1867? A Yes sir, I guess it was March or April.

- Q Well, don't you know he worked 14 1/2 days in the month of January, 1867, for a Mr. Emerson in the State of Kansas?

MR. PATTEN:

We desire to enter the same objection to that question for the reason that the record does not show for itself at what time those 14 1/2 days was done.

on behalf of the commissioner;
The objection will be noted.

- Q How long did he live on the Lynch place? A Until about the winter of 1867, I believe then he built him a house; bought him a place from Uncle Simon and moved there.
- Q In 1867? A Yes sir, I think it was '67.
- Q Winter of 1867? A Yes sir.
- Q And that was up on the edge of the Prairie? A Yes sir.
- Q And that was in the winter of 1867? A Yes sir, I think it was.
- Q That was known as the Huling place? A I don't know what place it was; Simon claimed it.
- Q That was in the winter of 1867? A Yes sir, in the winter of '67.
- Q Well now did you see Stephen Henry Lynch during the spring of 1867? A I saw him early in the spring; I didn't see him late in the spring.
- Q Well what became of him, you were right there by him? A I think he went back to Kansas for work or something.
- Q Why didn't you state that in your affidavit to reopen this case on the 8th day of November, 1908? A Why didn't I make that statement?
- Q Why didn't you state then that he went back? A They didn't ask me, didn't know I had to state that.
- Q Well then he had returned from Kansas the next time before he went up thereon to this place that he got from Simon in the winter of 1867, had he? A I think he went back when he was staying at the Lynch place.
- Q That is what I say, and when he came back the next time he moved up to a place he got from Simon? A Yes sir, he went back two or three times; I don't know how many times he went back.
- Q I will ask you if you didn't swear in your affidavit on the 8th day of November, 1908, with reference to seeing Stephen Henry Lynch and family as follows after swearing that you saw him in the fall of 1866: "While I was living with Anderson Lynch in the late fall or early winter of 1866 Stephen Henry Lynch, the father of Daniel Henry Lynch moved into a house he built at the commencement of the rebellion. This was on J. C. Lynch's old place and had been used by Steve with a slave of Joe. Steve lived in this house until he could build him a new log house?" A Yes sir, he did.

- Q Now you swear he went back to Kansas in the spring of 1867?
A He might have built a house before he went back.
- Q You didn't swear that awhile ago, didn't you swear he went back to Kansas from the Lynch place and he come back to this new place in the winter of 1867 when he come back the last time?
A Yes sir.
- Q That is the truth, is it? A I aint decided yet whether it is the truth or not; how was it, now tell me again?
- Q Didn't you say awhile ago that Stephen Lynch went back from the Joe Lynch place to Kansas? A Yes sir.
- Q And didn't you say when he come back the last time, namely in the fall of 1867, that he got this place from Simon Lynch and built him a new house up there and lived there? A Yes sir, that was after he come back from Kansas.
- Q The last time? A Not the last time, he went two or three times.
- Q It was when he come back from Kansas in the winter of 1867?
A When he built the new house?
- Q Yes? A Yes sir, he built the house and then went after his family and when he come back he moved into it.
- Q Didn't you swear just now he lived on the Joe Lynch place?
A Yes sir.
- Q And didn't you swear he lived in the old house he lived in before the war? A Yes sir.
- Q And didn't you swear just now that he lived there until sometime in March or April, 1867, and then went back to Kansas from this same Lynch place? A Yes sir, I swear he went back to Kansas.
- Q And didn't you swear he went there from this old Lynch place, back to Kansas? A Yes sir, he went back from the old Lynch place.
- Q And didn't you swear that when he come back in the winter of 1867 he come back and went up and built a house on the place that he then bought from Simon Lynch? A I dont know, but what he built his house before he went back to Kansas, and didn't have it done and then when he come back he lived at the old Lynch place until he finished the house.
- Q You dont know about that? A I know that was when it was.
- Q You swore awhile ago positively that he got that from Simon in the winter of 1867? A It was just a claim.
- Q No house there? A No sir, laid a foundation for a house.
- Q Was that all there was? A Was when he bought it.
- Q Didn't you swear awhile ago he bought it in the winter of 1867 after coming back that last time? A I think it was in the winter of '66 when he bought it.
- Q Well I am asking you now if you didn't swear that other awhile ago? A Yes sir, a fellow is liable to make mistakes sometimes.
- Q Didn't you see him during the month of March, 1867?
A I think I saw him.
- Q Where was he? A There at the old Lynch place.
- Q Well how late in March? A I dont know, along toward the first.
- Q Did you see him in April, 1867? A I dont recollect seeing him.
- Q June? A No sir.
- Q July? A No sir.

- Q Well then if I understand you Stephen Henry Lynch never located at the old Lynch place but when he located he located up there on the place he got from Simon Lynch? A He lived there at the old Lynch place awhile.
- Q Just stayed there in the cabin awhile? A In the house, yes sir.
- Q Now Tobe you knew Bob Daniels well didn't you? A Yes sir.
- Q You knew him before the war, didn't you? A Yes sir.
- Q He lived up there in your community, didn't he? A Yes sir.
- Q And he knew all the older people around there, didn't he? A Yes sir.
- Q And all of you knew Bob Daniels? A Yes sir, knew his name anyhow.
- Q Dont you know that a great many freedmen were admitted by that Bob Daniels Court down there in 1871? A Yes sir, a good many.
- Q And dont you know that they had to hear testimony in order to be admitted? A Yes sir.
- Q And dont you know they did? A They did.
- Q And he told you people to go back just because he knew of his own personal knowledge you came back too late? A No sir, he said we were all right.
- Q You knew they were trying cases when you were down there? A Yes sir.
- Q And witnesses were being examined? A Yes sir.
- Q And you know they were rendering decisions? A Never rendered any on my case.
- Q Any other case? A Some after I left.
- Q You know they admitted some after you left? A Yes sir, and heard testimony against us after we left.
- Q You did go back to Kansas, didn't you? A Yes sir.
- Q I want to refer back now, I will ask you if you remember of making an affidavit to support the motion to reopen the case of Payton Martin, D 304? A I dont recollect making that affidavit
- Q Do you swear you did or didn't? A If it is there and my name is signed to it, I must have made it.
- Q You cant read nor write, can you? A Yes sir.
- Q You wouldn't know it if you saw it? A No sir.
- Q Are you in the habit of making affidavits in these cases without reading or considering them?

MR. PATTEN:

We desire to object to the question and ask that if an affidavit was made by this witness in the Payton Martin case that the affidavit be read to him so he can be able to recognize it.

ON BEHALF OF THE COMMISSIONER:

The objection will be over-ruled.

A I believe that is the only one I dont recollect of making, I recollect all the others.

- Q You recollect all the others? A Yes sir, what you read to me.
- Q And you have got no recollection whatever of making one in the Payton Martin case? A No sir, I aint, though if I can hear it read---
- Q Did you come down here and testify in that case when we tried it? A No sir, I wasn't here.
- Q You didn't know then when Payton Martin come back? A No sir, I never made one in Payton's case.
- Q You didn't know then when he come back? A I didn't exactly know when he come back.
- Q Well you say you didn't know exactly when he come back? A No sir.
- Q When you,-- Nor you never saw him for sometime after you come back? A Yes sir, I saw him a little while and he went off to Texas.
- Q Did you see him in 1868 or 1869? A I think it was in the spring of '67 when I first saw him and he went off south somewheres.
- Q You saw him then in the spring of 1867 sometime? A Yes sir.
- Q Was it in March or April? A March.
- Q Where did you see him in March, 1867? A At his brother's Fred Martin.
- Q Where did Fred Martin live? A Lived close to the mouth of Cabin Creek.
- Q Well did you just see him there one time? A No sir, I seen him there several times.
- Q Now when did he leave there? A In March sometime I think.
- Q And how long was it after that that you saw him?

MR. PATTEN:

We desire to enter an objection to this line of cross-examination for the reason that it is immaterial to the case and irrelevant and consequently inadmissible, and further object to it because it would be matter improper to impeach the witness with because it is immaterial to the issues in this case, and we insist upon this objection.

MR. HASTINGS:

I will with-draw it, I dont care about that.

- Q I want to ask you if you didn't swear in your affidavit on May 28, 1906, before Jessie Patten, that you were acquainted with Payton Martin, that you knew he came to the Cherokee Nation, Indian Territory, and was a resident therein prior to February 11, 1867? A Yes sir I guess I did.
- Q You swear now that you never saw him until March, 1867, dont you, A Yes sir, I did swear that.
- Q You swear pretty near anything when they fix up an affidavit, dont you? A No sir.

- Q Have you ever refused to sign an affidavit that has been fixed up? A Yes sir.
- Q In what case? A Lots of them.
- Q In whatease have you ever refused? A Several of them.
- Q Can you name one? A Yes sir, a woman by the name of Mary Martin wanted me to sign and I didn't know nothing about her return.

BY MR. PATTEN:

- Q You said awhile ago I believe in answer to Mr. Hastings' question that you saw Payton Martin at his brother Fred Martin's about March, 1867, didn't you? A Yes sir.
- Q You made this affidavit in which you said as Mr. Hastings quoted, "I am acquainted with Payton Martin and know he came to the Cherokee Nation, Indian Territory, and established his residence therein prior to February 11, 1867?" A Yes sir.
- Q Is that true from what you knew? A Yes sir.
- Q Now you were a witness in the Mayfield case, weren't you? A Yes sir.
- Q We were the Attorneys in that case? A Yes sir.
- Q And you were a witness in the Hardrick and Lyons case? A Yes sir.
- Q We were the Attorneys in that case? A Yes sir.
- Q You made an affidavit to support a motion for a new trial in the Nelson Martin case? A Yes sir.
- Q That is the same as the Jennie Martin case? A Yes sir.
- Q You made an affidavit to support a motion for a new trial in the Elias Downing case? A Yes sir.
- Q And in the Mose Riley case? A Yes sir.
- Q And you also was a witness in this, the Jesse Vann case? A Yes sir.
- Q You were a witness also in the Sam Landrum case, weren't you Tobe? A Yes sir.
- Q That case was on the return of Boney Dan Landrum, wasn't it? A Yes sir.
- Q Now those cases, isn't it a fact that the main applicants or their ancestors in these lists of cases that I have named to you and in which Mr. Hastings read to you, isn't it a fact they returned and settled in that same community, generally over there on Grand River? A Yes sir.
- Q Where did you live in 1866? A Right across the Creek on the east side of Cabin Creek; what they call the old Charlie Landrum place.
- Q You were at or near this neighborhood? A Yes sir.
- Q You knew these people, didn't you? A Yes sir.
- Q You could have known when one returned about as near as another?

MR. HASTINGS:

We object to this line of questioning because it is leading for a number of questions back.

MR. PATTEN:

Just cut out that last question.

- Q Could you have known then about as well when one of these people came back as near as another one did? A Part of the time, I couldn't sometime, they would settle way off.
- Q Well you did in this bunch of cases, didn't you? A Yes sir.
- Q Now after you returned home there from that Bob Daniels Court, in later times, since this Commission has been sitting, was your citizenship rights ever contested? A Yes sir.
- Q You were on a doubtful card once yourself? A Yes sir.
- Q Did you have a trial in your case before the Commissioner? A Yes sir.
- Q And what disposition was made of it, were you enrolled? A Yes sir, I was enrolled.
- Q That decision was approved by the Secretary of the Interior, was it? A Yes sir.

(Witness excused).

SAM WEBBER, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q State your name? A Sam Webber.
- Q How old are you? A About 60.
- Q What is your postoffice? A Nowata, Indian Territory.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Along about 1871 or '72 were you ever summoned or called before the Supreme Court of the Cherokee Nation, commonly known as the Daniels Court? A Yes sir.
- Q What was your father's name? A Sam Webber too.
- Q Was he down before that Court? A Yes sir.
- Q At the time that you went were there any other people on the road that went? A There was quite a number that went.
- Q Was that Court then investigating any freedmen citizenship cases then? A Yes sir.
- Q Where was that held? A Tahlequah.
- Q Now when you got to Tahlequah or when you were summoned tell if, you can what took place and what disposition, if you knew, was made of any of these cases and what happened. A Why they put five of us on the roll.
- Q Who were they, do you? A My father and my eldest brother, Johnson Webber, Harry Still myself and Charlie Campbell.

- Q You started to say something about not being summoned?
A Why we seed a piece in the newspaper printed there at Tahlequah telling us all to come before the Daniels Court and they would enroll us.
- Q Well did you go and how did you go? A Why we went horse back; There was some wagons along in the crowd, but the majority was horse back.
- Q Do you know whether or not that crowd of people that lived over on Grand River around Simon Lynch's and those people were down there? A Yes sir.
- Q Now when you got through those five persons you just named including your father, and yourself and your brother, were those cases tried? A Yes sir.
- Q Submitted testimony in them? A Yes sir.
- Q And you were enrolled? A Yes sir.
- Q What, if any, disposition was done with that other bunch of people? A Why they said the Court wasn't particular for the freedmen but said they would set a Court and notify them to come there afterwards, and told them to go home and go to work.
- Q Who told them that? A Judge Bob Daniels.
- Q Was the Judge of that Court? A Yes sir.
- Q He was the Court himself, was he? A Yes sir.

BY MR. HASTINGS:

- Q You knew Bob Daniels himself? A I knew him.
- Q You say there wasn't but five admitted by that Court?
A Just five.
- Q You swear that? A Of course I was right there and that was all.
- Q And you swear no other freedmen were admitted? A That is all.

BY MR. PATTEN:

- Q That is while you were there? A Yes sir, just while I was there.

BY MR. HASTINGS:

- Q Was there any other freedmen enrolled in 1871 by this Bob Daniels Court? A If there was I never seen them; of course we went away when we got through.
- Q Other freedmen were in there having their cases heard? A They all went with us.
- Q No other freedmen were ever admitted by that Court except the five you mentioned? A That is all I know of.
- Q Now mention them again? A My father Sam Webber, Johnson Webber, Sam Webber again, that is me, Charlie Campbell and Harry Still.

- Q You are the Sam Webber that has been testifying in so many freedmen cases, aren't you? A Yes sir.
- Q Are you the same Sam Webber who testified for Beckey Webber? A Yes sir.
- Q Whose postoffice is Ruby, I. T.? A Yes sir.
- Q Are you the same Sam Webber who testified for George Ward, D 425? A Yes sir.
- Q Are you the same Sam Webber who testified for Harriet Daniels, D 437? A Yes sir.
- Q Are you the same Sam Webber who testified for Wilson Towers, D 466? A Yes sir.
- Q Are you the same Sam Webber who testified for William H. Buffington, D 555? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Catherine Ward, D 562? A It was Catherine Whitmire, then Catherine Ward, now that is the same one.
- Q Are you the same Sam Webber that testified in the case of Abraham Ward, D 607? A Yes sir.
- Q Are you the same Sam Webber that testified in the case of Malinda Webber D 609? A Yes sir.
- Q Are you the same Sam Webber that testified in the case of Eliza Starr D 620? A Yes sir.
- Q Are you the same Sam Webber that testified in the case of Amanda Hill, D 625? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Frances Anderson, F D 627? A Yes sir.
- Q Are you the same Sam Webber that testified in the case of Santa Anna Nivens, D 633? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Jack Starr, D 443? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of David Ross, D 799? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Mariah Reynolds, D 802? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Susie Lowe, D 824? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Martha Phillips, D 858? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Rebecca Webber, D 853? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Elizabeth Duncan, D 871? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Jefferson Ross D 872? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Elizabeth Timmon, D 892? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Richard Towers, D 955? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Andy Webber, D 959? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Nicholas Landru, D 1008? A Yes sir.

- Q Are you the same Sam Webber who testified in the case of George Tucker, D 1013? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Amanda Brown, D 1015? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Carrie Jones, D 1028? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Betsey Reed, D 1093? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Bertha Glass, D 1099? A Yes sir.

MR. HASTINGS:

The representative of the Cherokee Nation desires to refer to these cases as being cases rejected by the Commission to the Five Civilized Tribes, the rejection of which has been affirmed by the Secretary of the Interior.

MR. STARR:

Comes now the applicants and move to strike out the questions and answers relative to the cases in which the witness has testified for the reason that testimony which the witness has given in each particular case is not shown to be on a material point in the case and for the further reason that the cases named are in instances consolidated cases where the witness testified in one case and his testimony,--copies of his testimony were put in the others, which would make it appear in the record that he testified in each particular case.

MR. HASTINGS:

The statement made by the Attorneys for the applicants will not have that effect for the reason that we now only ask them to be referred to and the Commissioner to the Five Civilized Tribes can notice and see whether or not the applicant has testified on a material point, and whether or not it is a consolidated case, but it certainly will be of value in weighing the testimony of this witness to have the Commissioner to the Five Civilized Tribes know and to have the Department know that this witness acknowledges that he has testified in twenty-nine cases which we have cited, of which all have been rejected by the Commission to the Five Civilized Tribes and this rejection affirmed.

MR. STARR:

The Attorneys for applicants deny that all of these applicants in the cases named have been rejected by the Commission and affirmed by the Department.

MR. HASTINGS:

If the Attorney will specify any single case that has been called let him do so now.

MR. STARR:

The case of Andy Webber is one of them that we call to mind.

MR. HASTINGS:

I desire to now enter a correction in the one case referred to, Andy Webber, which has been remanded since the notation was made, and I assert that the other twenty-eight cases do show that they have been rejected, and that that rejection has been affirmed.

ON BEHALF OF THE COMMISSIONER:

The motion of the Attorneys for the applicants, and the answer of the representative of the Cherokee Nation, will be noted.

(Witness excused).

WILLIAM HUDSON, being first duly sworn by B. F. Rasmus, a Notary Public, testified as follows on behalf of Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A William Hudson.
- Q What is your postoffice? A Fort Gibson, Indian Territory.
- Q Is your wife a Cherokee Freedman? A Yes sir.
- Q You didn't belong to the Cherokees before the war? A Yes sir.
- Q When did you marry your wife? A 22nd day of May, '67.
- Q And have you lived in and about Fort Gibson ever since?
A Ever since, never left the town.
- Q Do you remember the Bob Smalls Court when it was held at Tahlequah in 1871? A Yes sir.
- Q Were you in attendance before that Court? A I was.
- Q Did you make any application at that time to be admitted as a freedman citizen by intermarriage? A I did.

- Q Was your case heard? A Yes sir.
- Q Were there other freedmen there at that time applying? A Yes sir.
- Q Were they having a regular trial before the Court? A Yes sir.
- Q Did you ever hear of any of them being sent away from there and their cases not tried and wanted to try? A Not while I was there. They were all heard and we come home together; there was 10 or 12 of us together and we had to wait when one went through until the others got through and all come back to Gibson together.
- Q Quite a number went up? A Yes sir, at the time.
- Q And everybody that wanted to be heard got a hearing? A Yes sir, I got mine and I had to wait until some of the others got through; I was there three days, people waiting on the others.
- Q They took testimony did they? A Yes sir.
- Q And did you hear of any crowd of freedmen at that time being sent away from there without a hearing? A Not while I was there.

BY MR. PATTEN:

- Q What did you say your name was? A William Henry Hudson.
- Q You are not a freedman, yourself? A No sir, I married according to the laws of the Cherokee Nation.
- Q Where were you living in 1867? A Fort Gibson.
- Q You say there was a little crowd went down there from Fort Gibson? A Yes sir.
- Q You had your cases tried? A Yes sir, they called it the Citizenship Court of the Cherokee Nation.
- Q And about how many were in that crowd? A There was 10 or 12 as well as I recollect and they are all dead but one man and he is over at Gibson now.
- Q When was it you went down before that Court? A In '71.
- Q That little crowd from Fort Gibson, they had their cases tried before the Court? A Yes sir.
- Q Do you know whether or not part of them were admitted, were they? A Some were admitted and some wasn't; I know of two or three families admitted and I wasn't, and on the ground I wasn't admitted was because I was intermarried and others were citizens come in too late and they tried them all.
- Q Where had you lived before that time, before 1867? A I was in the army.
- Q Had you lived in the Cherokee Nation before the war? A No sir.
- Q How long did you continue to live in Fort Gibson after 1871? A I have been there ever since.
- Q Did you live in Fort Gibson from 1867 to 1871? A From the first day of March, '66, until now, I haven't been anywhere else only out a little while at a time like I am here.
- Q This was at Tahlequah, wasn't it? A Yes sir.
- Q How long were you there at Tahlequah? A About three days waiting for the parties that I went there to get a hearing from the Cherokee Court.

- Q You were in Tahlequah then about three days at that time?
A No sir.
- Q You dont know what happened before you went? to Tahlequah?
A No sir, not before or since but at that time we got a hearing and I employed an Attorney to attend to my business after I left there, W. P. Boudinot, a old lawyer and I left my papers and everything with him.
- Q You had your case properly attended to and was represented by an Attorney? A Yes sir, that is after I left there.
- Q After you left the Court, then you left it in the hands of an Attorney? A Yes sir.
- Q Are you very generally acquainted over the Cherokee Nation?
A Yes sir, I know pretty much everybody, I was there directly after the war and most of the colored people and everybody else went there for living things, and the Government had an army there and people went there for protection. You can find most every colored citizen and white citizen directly after the war they knowed something about Fort Gibson.
- Q If a crowd of people like that crowd was, a large crowd, went before that Daniels Court in 1871 or 1872 in order to have their rights investigated, if it went there before you did or after you did and the Court told them they were not trying those cases you couldn't swear that that wasn't true? A I couldn't say anything like that only what I saw myself; they heard me and others; I was there three days waiting for the crowd so we could all go home together.

(Witness excused).

MR. HASTINGS:

Now along this same line the Cherokee Nation offers to accept the testimony of Jerry Fields, the witness whose name is placed upon the list of witnesses furnished by the Attorneys on behalf of the applicants, who testified as to this Court and the proceedings before it in the Andy Hebbert case and who was introduced by the same Attorneys for the applicants as are representing these applicants now and examined by them and cross-examined by us on behalf of the Cherokee Nation.

MR. PATTEN:

In reply the Attorneys for applicants would respectfully say that while they appreciate the offer of the representative of the Cherokee Nation, yet we have always contended before this Commission that it is improper practice to take a record from another case and put into the case at bar when the witness is alive and able to be produced at this trial, and for that reason considering it is improper, if we desire the testimony of Jerry Fields we would certainly follow the practice that we have attempted to insist upon before this Commission and introduce Jerry Fields in person, and therefore decline the offer.

MR. HASTINGS:

In view of the fact that he was introduced by these same Attorneys for these applicants, and examined by them, and in view of the fact that the applicants gave this same man as a witness in this case, and in view of the fact that we now specifically waive the right to not have him present and permit the testimony to be introduced, we now offer it in evidence in this case.

MR. PATTEN:

In reply the Attorneys for applicants object to that testimony being put in this case; we submit that that is highly improper, but if the Attorney for the Cherokee Nation has no objection we will introduce Jerry Fields as a witness in this case on the next hearing of this case in person; we consider that the proper manner of conducting a trial; we have insisted that the Attorney for the Cherokee Nation confine himself to this line of trying these cases, and therefore do not want to break our own line of procedure.

MR. HASTINGS:

In reply we will say that the Attorneys on one side and the Attorneys on the other have already had this witness upon the stand upon this particular line of inquiry and was examined and cross-examined and his testimony is here now as a matter of record upon this particular point, namely, the proceedings before the Daniels Court in 1871.

MR. PATTEN:

In reply the Attorneys for applicants would respectfully call attention to the fact that this witness testified in the Andy Webber case as to the admission of Johnson Webber by the Daniels Court in 1871, and at that time we are of the opinion that objections were raised by the Attorneys for the Cherokee Nation as to him entering into any elaborate discussion of other sections of that Court other than in regard to Johnson Webber, and for that reason we would consider his testimony incomplete and would further say that if we are allowed to introduce Jerry Fields as a witness in this case at its next hearing the Attorney for the Cherokee Nation has access to Jerry Field's testimony as he testified in the Andy Webber case and may use that on cross-examination, of course, if he so desires.

ON BEHALF OF THE COMMISSIONER:

The motion made by the Attorney for the Cherokee Nation and the objections made by Attorneys for applicants, will be noted.

OCE BENGGE, being first duly sworn by B.P. Ramms, a Notary Public, testified as follows on behalf of Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A Oce Bengge.
- Q How old are you? A 55.
- Q What is your postoffice? A Adair, Indian Territory.
- Q What was your father's name? A Anderson Bengge.
- Q Where did you live during the war? A We lived there at the mouth of Spavinaw until the spring of 1867.
- Q Then where did you move? A We moved from there up about a mile to the foot of two hills, the edge of Lynch Prairie.
- Q Did you know Stephen Henry Lynch? A Yes sir.
- Q About when did you learn to know him? A The first time I remember of seeing him was in the fall or winter of '67.
- Q. What was the occasion of your seeing him and knowing him then? A Well father had a claim out on the prairie and he jumped it or tried to jump it, or something, and they had a few words about it, and I was with him when this conversation took place about the claim.
- Q And that was in the fall or winter of 1867? A Yes sir.
- Q How why do you remember it was that time? A Well father died in the spring of 1868 or winter of '68, January, 1868, it was.
- Q Well did Stephen Henry Lynch afterwards settle elsewhere there in that community? A Yes sir, he settled about a mile and a half or two miles northwest of that place.
- Q Had he settled over there before that? A No sir, I don't think he did.
- Q Did he build over at this other place? A Yes sir.
- Q Did he finally live over there at the other place he settled? A Yes sir, he lived there until he died.
- Q Do you know by what name this other place over there was called? A No sir, I don't, I don't remember.
- Q But he built a house over there did he? A Yes sir.
- Q And that was after you and your father had seen him out there? A Yes sir, out on the prairie there.
- Q Had you ever seen Stephen Henry Lynch there before that? A No sir, that was the first time I seen him.
- Q Do you know where he came from then? A Why my understanding was he just came in from Kansas.
- Q You hadn't seen him before? A No sir, that was the first time I ever saw him.
- Q Did you ever know him attempting to locate near the claim before this over there? A No sir, I don't.

BY MR. PATTEN:

- Q How old did you say you were? A 55.

- Q Where was it you lived until the spring of 1867? A Down there on Spavinaw near the mouth of Spavinaw.
- Q You say it was in the fall of 1867 that he jumped this claim of of your father's? A Yes sir, November or December.
- Q Did you know him before the war? A No sir, I don't remember that I do.
- Q You were a small boy before the war, were you not? A I was born in 1851.
- Q You were about 11 years old when the war broke out? A Yes sir.
- Q When did you first get acquainted with him? A Well the first time I ever saw him and I saw him frequently after that, he lived over there on the prairie.
- Q In 1866, or '64 or '65, those years, Stephen Henry Lynch was a stranger to you then, you would not have known him, who he was, if you met him? A No sir.
- Q You would not have known who he was if you had met him until after that little trouble about the place, would you? A No sir.
- Q Did your father succeed in making him get off of that claim? A Yes sir, he got off.
- Q What was your father's name? A Anders on Benge.
- Q From the time that you first knew him then in the fall of 1867, continuously after that he remained a resident in and about that country in the Cherokee Nation so far as you knew, didn't he? A Yes sir, he lived over there where he improved a place.
- Q Are you a Cherokee by blood? A Yes sir.

(Witness excused).

JIM BERGE, being first duly sworn by B. P. Ramus, a Notary Public, testified as follows on behalf of Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A Jim Benge.
- Q How old are you? A I was born in 1849.
- Q What is your postoffice? A Lynch, Indian Territory.
- Q What was your father's name? A Anderson Benge.
- Q Are you a brother of Ose Benge, who left the stand just now? A Yes sir.
- Q Did you know Stephen Henry Lynch, a colored man? A Yes sir.
- Q He is the step-father of Jesse Vann, the applicant here? A Yes sir.
- Q Do you remember when your father died? A Yes sir.
- Q About when did he die? A He died in 1860, January 1860.
- Q Do you know whether your father and Stephen Henry Lynch had a difficulty about a claim? A I heard of the circumstance, yes sir.

- Q Were you at home at the time? A Yes sir.
Q And you knew of the circumstance? A Yes sir.
Q You knew whether your father went over to see him about it or not? A I think he did.
Q You didn't go in person with him? A No sir, I didn't go.
Q Did you hear of it at the time? A Heard it a bit afterwards.
Q Well where did Stephen Henry Lynch then locate after leaving that claim? A He went across the prairie about a mile and a half north.
Q Had he located up there before that? A No sir, I think not.
Q But he located up there after that? A Yes sir.
Q Did he continue to live there until he died? A Yes sir.
Q Now had you ever seen or heard of Stephen Henry Lynch being there in that country before your father and him had this difficulty about this claim? A No sir.
Q That is the first you heard of him? A Yes sir.
Q Now about when was that? A When they had the difficulty?
Q Yes? A I guess it must have been in the fall of 1867
Q You say you were born in 1849? A Yes sir.
Q And Anderson Bengé is your father? A Yes sir.

BY MR. PATTEN:

- Q Where did you live in 1866? A I lived there on Grand River on Lynch's Prairie.
Q Lived with your father, did you? A Yes sir.
Q Well were you ever acquainted with this Stephen Lynch before the war? A Not that I remember of.
Q When did you first get personally acquainted with him? A I never got acquainted with him until he moved to this place where he lived when he died.
Q About what time was it in 1868 or '69? A In 1868.
Q You didn't see him then at the time you heard they had this trouble? A No sir, I didn't see him.
Q Where were you? A I guess I was at home or in the neighborhood there.
Q When did you hear, yourself? A Right away after it happened.
Q What kind of trouble was it? A Old man Steve taken my father's claim there on the prairie
Q All you know about it is what you heard? A Yes sir.
Q Then it was along in 1868 before you ever got acquainted with him yourself? A I guess it was
Q Did you get acquainted with him the first time you saw him?
A No sir, not as I remember of.
Q Do you remember the first time you saw him? A I saw him there on that place the first time I saw him.
Q Was that when you first got acquainted with him? A The first I remember of seeing him.
Q And that was in 1868? A Yes sir.
Q If this little trouble hadn't arisen you probably would not have known of him until 1868? A I don't know, we were neighbors, two or three miles apart; I expect I would have seen him.

- Q Do you know when he first came back to the Cherokee Nation after the war? A No sir, I don't.
- Q You are a Cherokee by blood? A Yes sir.

BY MR. HASTINGS:

- Q You never heard of him being there before the fall of 1867? A No sir.

(Witness excused).

ON BEHALF OF THE COMMISSIONER:

It is agreed by the Attorneys for the applicants and the Attorney for the Cherokee Nation that this case be continued until Monday, at 1:30 P. M., January 14, 1907, for the purpose of giving the Attorneys for applicants occasion to introduce the testimony of Jackson Davis and Arthur Bean, the Attorney for the Cherokee Nation reserving the right to introduce such testimony as he may desire.

JANUARY 14, 1907

In pursuance of continuance above noted, this case being called for further hearing on this day, January 14, 1907, at 1:30 P. M., the following proceedings were had:

JACK DAVIS, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q What is your name? A Jack Davis.
- Q How old are you? A 79.
- Q What is your postoffice? A Adair, Indian Territory.
- Q Are you a doubtful freedman citizen of the Cherokee Nation?
- A That is what they counts me; Hastings counts me that; I have been in here before he was born too.
- Q Do you remember the occasion when a great number of the Cherokee Freedmen were summoned or called before what was known as the Davis's Court, the Supreme Court of the Cherokee Nation about 1871? A Yes sir, I was one of the men that went there.

- Q Did that colony or bunch of people who lived in your neighborhood on Grand River go down there, or were summoned down there?
A All of them were summoned.
- Q Name, if you can, a few that went down in that crowd? A Well they are most all dead without myself. There was Mayfield, George Lynch, Nelson Martin, Jeff Lyons, all those are most dead now; I have outstripped them all.
- Q Do you know whether Stephen Lynch was in that crowd? A Yes sir, he was right with us.
- Q Where was that held? A At Tahlequah, right in the Council yard.
- Q Did Stephen Lynch and Mayfield and you and most of these people whom you have named live in the same neighborhood? A All pretty much in the same neighborhood right up and down the River there.
- Q You all went over together, did you? A Yes sir.
- Q Now, what, if anything, was done in the nature of trying or disposing of those citizenship cases when you were over there?
A There was nothing that I saw was done only old Bob Daniels, I was well acquainted with him, he told us to go home that he had no use for us and said if he needed us he would call us.
- Q Was Bob Daniels, Judge of that Court? A Yes sir, and old Johnson Foreman, I don't know what he was, something, he was right there but he seemed to be superintendent of something.
- Q All that crowd of people go home upon the advice of the Court?
A Yes sir, we went home; I went myself back to Grand River from Tahlequah.
- Q So far as that crowd of people that Stephen Lynch was a party, that was all that was done toward their citizenship cases?
A That was all done that I saw; we went back without knowing any more than we did before we went there.
- Q Did Bob Daniels, did he live in that same community or near where this bunch of people lived there on Grand River? A He lived about ten miles up the big road above us, right on the Military Road.
- Q Bob Daniels was a Cherokee citizen? A Yes sir, he was a Cherokee.
- Q He was pretty generally acquainted with the most of this crowd of people that came from Grand River? A Yes sir.

BY MR. HASTINGS:

- Q How far did he live from the old Lynch place? A About ten miles, I reckon.
- Q You were a slave before the war? A I was a slave.
- Q You have been an applicant for citizenship, to be enrolled as a freedman before this Commission? A Yes sir.
- Q You so far have been rejected? A Yes sir.
- Q Do you know whether or not they were trying any freedmen cases down there? A Where?
- Q At Tahlequah, before the Bob Daniels Court? A I didn't see any tried while I was there.

- Q What time of the year do you think you were there? A Lets see, I can't hardly tell you what time.
- Q Well was it as late as March? A I don't hardly think it was, February or March one I believe; we never kept no record or nothing of the time at that time but I think it was either spring of the year or in the latter part of the winter sometime.
- Q Well is that your best judgment now that it was last of February or first of March? A Well, lets see, when was the Court, what year was it that he held the Court?
- Q I am asking you know, irregardless of what year it was, about what time of the year it was you were down there? A I don't remember just what time of the year but it appears to me it was spring or fall, spring it appears like it was; I know we were not farming at that time we went down there; it was either the first of the spring or latter part of the winter.
- Q That was the time you were down there, either the first part of the year or last part of the year? A I disremember about the time; I could have found it before I left home, what time of the year we were down there, but I didn't do it.
- Q You have got no recollection about that at all? A No sir, I don't remember. XX
- Q Except you know you were not farming? A I don't think we were farming when he called us.
- Q Did Bob Daniels know you before the war? A I knowed his wife, I don't know whether he knowed me or not.
- Q How far did you settle from Bob Daniels after you came back after the war? A About ten miles; he was north of me.
- Q Lived on the Military Road? A Yes sir.
- Q Well there was a good many freedmen being admitted when you were down there, weren't they? A I can't recollect anybody; when the papers came out we didn't get any hearing at all, and I don't recollect of a man but Simon.
- Q Simon Lynch? A Yes sir, said he was admitted and outside of him I don't know of another.
- Q Wasn't Anderson, or Grap Lynch, wasn't he admitted? A I don't recollect of him being that way, but I think he was.
- Q Well wasn't Art Williams? A I think he was; we didn't know what was done until it came out in the papers afterwards.
- Q Well in Simon's case, he introduced some testimony to shew when he come back? A I reckon he did; I never saw it.
- Q And in Anderson Lynch's case, he introduced some testimony too? A I never heard a case.
- Q You never heard any of the cases? A None at all.
- Q You were not in the Court room when they were trying them? A No sir.
- Q But these colored people did go up in the Court room? A I suppose they did, I didn't go.
- Q You don't know of course, now 35 years afterwards whether or not Stephen Henry Lynch went up, you don't recollect that? A No sir, I don't; but I knew this much he come off with the crowd when we all come.
- Q Well Simon came with the crowd too? A Yes sir, he come off with the crowd too.

- Q Did Art Williams come back with the crowd? A Yes sir, I think he did.
- Q Then everybody went back, admitted or not admitted? A Told us to go home without being admitted; never give us any chance for a trial; said go home, when I want you I will call you, that is what he said to me, I understand English some of it, and that is what he said to me.
- Q That is what he said to you? A Said to the crowd.
- Q Was Simon Lynch in the crowd. He was there.
- Q Are Williams in the crowd? A Yes sir, Art was there.
- Q Was Anderson Lynch there? A I don't remember about him; there was about 300 of us there all together.
- Q Well were the Webbers there? A Old man Webber was there, old Same's dady.
- Q Was he there? A Yes sir.
- Q Did he go off when you went back? A No sir, left him there; Webber lived on Big Creek and we lived on Grand River
- Q You don't know how many of them were admitted when you left?
- A No sir, I didn't
- Q But a good many of those that did go back with you did go up in the Court room and give testimony? A I don't know who they were; when the papers come out there was nobody admitted that we heard of but Simon, he was one of them they claimed that was right, and the balance was on the too late list.
- Q That wasn't the question, part went up and give testimony and part didn't? A Might have, I don't know about that.
- Q You dont know whether Stephen Henry Lynch went up and give testimony or not? A No sir, I know he didn't, because he come back with us.
- Q Didn't Simon go back with you? A Yes sir, he did.
- Q Are you satisfied he didn't because he come back with you? A I dont know, I wasn't then in the Court room; they didn't hear nary trial.
- Q Is that the only reason you have of being satisfied Stephen Henry Lynch didn't because he come back with you? A Well he come,-- I stayed out there about three miles to my mother-in-law's, I wasn't there all the time.
- Q What was your mother-in-law's name? A Betay Whitmire.
- Q So you stayed out there part of the time? A Yes sir, there is where I ate and slept.
- Q You were not in town all the time? A No sir.
- Q So they might have been before the Court while you were not there? A They might have, I didn't know it if they did.
- Q Is that Betay Whitmire living now? A No sir, she id dead.
- Q Which direction from town did she live? A east.
- Q Any kin to Lewis Whitmire's wife? A I dont know, I dont think she is.
- Q Stephen Henry Lynch didn't stay out there with you? A No sir.
- Q He stayed in town? A Yes sir, you see that was my wife's mother, and my people was out there and that is the reason we went out there.
- Q How long did you stay down there at that time? A A week.

- Q Now aint you got no recollection at all about what time of the year it was? A I dont know, I think it was in the fall though
- Q You think it was fall? A I think it was fall or winter or something.
- Q I am satisfied it is something, but that is what I am trying to get from you, your best judgment as to when it was? A I dont recollect just exactly what time it was now; along in the fall or winter or something.
- Q Do you know what year it was? A I think it was '71, I think.
- Q Now couldn't it have been in 1870 or in '72? A '70 or '71 or '72,-- '71 I believe it was, I dont know just exactly which.
- Q You are not right positive what year it was? A No sir, I wasn't because I dont keep no records or nothing of the kind; but I think that Daniels Court was in '71.
- Q Where were they holding Court, in the Capitol? A Yes sir.
- Q Up stairs? A Yes sir.
- Q And you never went up stairs at all? A No sir, I never went up.
- Q And you never went in the Court room? A No sir, we had no use to go in there because they didn't call us any.
- Q You mean to say they didn't call you in? A No sir, they didn't call me.
- Q That is all you are going to testify about they didn't call you in? A Yes sir.
- Q You aint going to sit here and say 35 years afterwards that of all those people down there you can recollect whether they called this one in or not or another one, you are just going to testify they didn't call you in? A No sir, they never called any of our crowd in without it was Simon Lynch or Art Williams; I know the whole River was on the doubtful list; I am on it.
- Q You have been on it ever since haven't you? A Yes sir, I have always been on it.

(Witness excused).

ARTHUR BEAN, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q State your name? A Arthur Bean.
- Q How old are you? A About 64.
- Q What is your postoffice? A Chaffee, Indian Territory.
- Q Are you a recognized freedman citizen of the Cherokee Nation? A Yes sir.
- Q Did you know a colored man by the name of Stephen Henry Lynch before the war? A Yes sir.

- Q Did you know any of his family, Arthur? A Yes sir, I knowed his wife.
- Q What was her name? A Peggie.
- Q Did you know any of his boys? A Jesse and Bill, I knowed the whole family.
- Q Did you go out of the Nation during the war? A Yes sir.
- Q Where did you go? A To Kansas.
- Q When did you return after the war? A In '66.
- Q What time in 1866? A Along in the fall.
- Q When was the first time that you remember that you saw Stephen Lynch in the Cherokee Nation after the war? A The first time I see him?
- Q Yes? A Down in the Nation here?
- Q Yes, when was the first time you remember of seeing him in the Nation after the war? A In the fall of '66.
- Q Where did you see him? A He was over there at Simon's.
- Q Well how long was that after you had come back yourself?
- A I guess that was about a month probably.
- Q Well did he have his family with him when you saw him that time?
- A No sir, not the first time.
- Q How did he come down? A Horse back I suppose.
- Q You dont know that? A No sir.
- Q Do you know whether he afterwards moved his family down here or not? A Yes sir, he moved his family.
- Q When if you remember did he move his family? A I guess somewhere along about Christmas.
- Q Was it in the winter time? A Yes sir.
- Q Was that the same year? A Yes sir.
- Q What year was that? A That was in '66.
- Q Now take the following summer after a great many of those freedmen came down here, along in the summer of '67, what was the condition of times? A Times were pretty reckless here that time.
- Q Was it difficult to get make a living, to get something to eat?
- A Yes sir.
- Q Do you know whether or not any of these freedmen ever went back to the States during that summer from where they came?
- A No sir, not very many.
- Q Did some of them go back? A Yes sir.
- Q After Stephen Lynch moved his family down here, as you stated, do you know whether or not he went back, or do you know?
- A Steve?
- Q Yes? A I think he did go back during that spring sometime, or latter part of the winter.
- Q Where did you live at that time? A In '66?
- Q Yes? A I lived there with Art Williams.
- Q Well do you know whether or not any time during that fall or winter, whether or not Steve laid him a claim or got him a place or bought him a place? A Yes sir, he got a place down there.
- Q Well, where was that? A Right below, I forget the name of the old place, but down below the Island Ford, in there.
- Q Was that in the neighborhood of where Simon Lynch lived? A Yes sir, I guess about two or three miles from Simon.

- Q Do you know whether he got that on the first trip he was down here? A Yes sir.
- Q Do you know whether or not he continued to hold that place until the time of his death? A Yes sir, it was his until he died.
- Q Where did he die? A On the same place, right there.
- Q How long has he been dead, do you know? A No sir, it has been 25 years or longer I guess.
- Q A long time? A Yes sir, I guess so; it has been a long time, I can't remember just how long.
- Q Do you remember the occasion when a great number of freedmen were summoned or did go before the Daniels Court, what was then the Supreme Court of the Cherokee Nation about 1870 or '71? A Yes sir.
- Q Did you go? A Yes sir.
- Q Do you know whether or not that colony or bunch of people from that neighborhood on Grand River went? A Yes sir, I know a whole lot of us went; I guess 75 or more went down there.
- Q From that country? A Yes sir.
- Q Did you go together in a bunch? A Yes sir.
- Q Can you name some of the people that were in that crowd? A The whole neighborhood was in the crowd up there.
- Q Was Mayfield? A Yes sir, the whole neighborhood. I couldn't call them all over, but the neighborhood went down there.
- Q Can you name some of them? A Mayfield and Uncle Steve.
- Q Steve who? A Steve Lynch, Art Williams, Art Lynch, George Johnson, and Tobe, Jack, George, oh there was quite a read full of us went down there.
- Q What if anything was done there toward the disposition of these citizenship matters so far as that crowd of people that came from Grand River was concerned? A We went down there and the Judge told us we didn't have any use for you people, for you people to go back home, and make more corn up there, then we went home and stayed there quite awhile.
- Q You mean when he told us, who did you mean? A That bunch of people down there.
- Q That bunch that came from your neighborhood? A Yes sir, told us to go back home and make your farms larger and make more corn he said he knew all of us and that we were all right.
- Q Was Simon Lynch along? A Yes sir.
- Q Was Art Williams? A Yes sir.
- Q Did you go back home after he told you that? A Yes sir.
- Q Did you go back together? A Yes sir.

BY MR. HASTINGS:

- Q Were you a slave before the war? A Yes sir.
- Q Can you read and write? A No sir.
- Q Never could read nor write? A No sir.
- Q How old are you now? A I am about 64 years old.
- Q What was your father's name? A Sandy.
- Q Did you know the place that Stephen Henry Lynch died? A Yes sir.

- Q How far was that from his old master's, Joe Lynch's place? A About two miles.
- Q Did Steve build him a house out there at that place? A Yes sir.
- Q Well now where did he come back to when he first come back to the Cherokee Nation? When he brought his family? A To that same place and died there.
- Q And that is the place he went to, is it? A Yes sir.
- Q The place where he died? A Yes sir.
- Q He went direct to this place? A Yes sir, he worked around up there in different places.
- Q But he took his family right to this place? A Yes sir.
- Q And there is where he settled? A Yes sir.
- Q Are you married? A Yes sir.
- Q What year were you married in? A I don't know what year it was.
- Q What year is this one? A 1907. I think if I mistake not, along about '67 I guess when I married as well as I can think about it.
- Q Who did you marry? A Married Lou Vann, the girl was named.
- Q Where did you marry? A Down on Spring Creek.
- Q How many children you got? A Just got two living.
- Q When was the first one born? A I couldn't tell you.
- Q Got any dead? A All my children dead but two.
- Q When did the first one die? A I don't know just when it was; it has been over 30 years.
- Q Don't remember the year? A No sir; I never did put it down.
- Q No record? A No sir; you know we fellows couldn't do nothing, write or anything of that kind; I never think to have it written down.
- Q You never think about those dates that far back? A I couldn't do it, I don't know nothing about the dates and couldn't set it down; it just slipped my remembrance.
- Q You don't know then about the birth or deaths of none of them? A I know when two died, in '82, the time of the small pox.
- Q That is all you do know, that they did die in the time of the small pox? A I have got the year pretty well when them two died, but I don't know the date they died on.
- Q Who was living on the old Lynch place in the year 1866? A Old man Scrapper.
- Q Old man George Scrapper? A Yes sir.
- Q That was George Clark's father-in-law, wasn't he? A Yes sir.
- Q Then Stephen Lynch never did go back to that place after the war? A No sir, not as I know of.
- Q If he did you never saw him there? A No sir, only working there.
- Q How far were you living from the old Lynch place? A About a mile.
- Q What direction? A Southwest I guess.
- Q Who were you living with? A I lived with Art Lynch part of the time.
- Q When did you go back to Kansas? A No?
- Q Yes? A I didn't go back at all, no sir, not until '68 or '69, way up in there I went up in that country.
- Q You went back then? A Yes sir, didn't stay no time, just went up there and back.

- Q Where did you first see Steve's wife? A That was the first time I seen her was down here.
- Q When was that? A That was along in '66, I guess it was; just about that time.
- Q Well you don't know whether it was the spring or summer? A It was along in the winter I think, just before Christmas.
- Q How long before Christmas, can't you say any more definite than that? A I guess probably a month before Christmas..
- Q Where was she then? A She was over there with the old man.
- Q At their place where he settled? A Yes sir.
- Q Did they have a house there? A A little small house.
- Q They had built one there, had they? A Yes sir.
- Q You swear that? A Yes sir.
- Q Now how far was that from you? A That house?
- Q Yes from where you lived? A At that time I guess it was about, now let me see, about two miles I guess from where I was living at that time.
- Q Well how long did you continue to live there, two or three years? A Yes sir.
- Q Well they continued to live on this place from that time until his death? A Yes sir.
- Q And you saw them every few days? A Yes sir.
- Q You were down over there every few days from then until just before Christmas, 1866? A Yes sir.
- Q I mean up until the time of his death? A No sir, I didn't see him up until his death.
- Q Well how long did you continue to see him? A I think he lived there that winter, if I mistake not; it seems he went back to Kansas on some business or other and our women is kinder reckless; they wouldn't agree to stay unless the old man stayed and he had to go back.
- Q How long did they stay? A I guess they stayed during that summer and come back that fall sometime.
- Q I mean before they went back to Kansas? A They stayed there probably a month. Stayed there and got their claim and a new shanty put up.
- Q Just out on the public domain was it? A Yes sir, right close there, he got the place from Simon.
- Q Wasn't any house there? A No sir, we didn't put any house; we would just get four logs and make us a little cabin there and sell them claims.
- Q Now when did you next see Steve? A The next fall I seen Steve I guess probably; he went up and come back and he stayed down here until he died.
- Q You ever testify in this case before? A Never have, no sir.
- Q Well you made an affidavit to reopen the case of Jennie Martin, F.D. 197? A I might have.
- Q Did you in the Abbie Mythe case, D 257? A I don't know whether I did or not, I might have.
- Q Well do you know? A Yes sir, I believe I did make an affidavit to that effect up there at Vinita.
- Q Who for? A I believe it was Campbell if I mistake not.

- Q Did you make one in the Katie Thornton case, D 578? A I don't recollect making any for Katie.
- Q Well did you? A I might have, I don't recollect it.
- Q Well do you make these affidavits without remembering them or without knowing it? A I do but they slip my remembrance like other things.
- Q Did you make one in the Jim Landrum case, D 664? A Yes sir.
- Q Did you make one in the John Towers case, D 734? A I don't recollect.
- Q Do you remember him by the name of John Armstrong? A Yes sir.
- Q Did you make one in that case? A Yes sir.
- Q Did you make one in the Cynthia Ross case, D 792? A No sir, I don't remember that.
- Q Do you remember making one in the Jackson Fields case, F.D. 771? A No sir, I don't remember that.
- Q Well do you? A No sir, I didn't make none for Fields.
- Q Jackson Fields' father is named Andy and mother Chaney, you didn't make any affidavit in that case? A If I did I don't recollect making any.
- Q Did you make one in the Mose Riley case? A Yes sir.
- Q Did you make one in the Emma Purtle case? A No sir, I don't recollect making one in that case; they were all together.

MR. PATTEN:

The Attorney for applicants desire that it be stated to the witness who Emma Purtle is, perhaps he doesn't remember the connection.

- Q She is a sister of Mose Riley? A I don't recollect making any for Emma, I made one for Mose.
- Q What time of the year did you go to Tahlequah? A Along in the fall.
- Q November or December? A I guess it must have been along about it might have been in September; it was after we got through cropping, after we laid your crops; I don't know just what month it was but I think it was in the fall when we went down there; I know it was in the fall because we went out on the branch and camped out there; there was 100 or more down there.
- Q Do you know what year it was you were down there? A No sir, I don't, it was along in,---I don't know just what year that was, but anyhow,---it has slipped my remembrance, I don't know what year it was.
- Q Did you know an old man by the name of William Lynch? A Yes sir.
- Q What kin was he to Steve? A Wasn't any; both just belonged to one man.
- Q Is he dead? A Yes sir.
- Q Was he down there with you at the time? A Yes sir, he was there all the time.
- Q Did he go up before this Court? A Yes sir, we all went down there.

- Q Was he ordered back at the same time? A Yes sir, we all came back the same way.
- Q Was William Lynch, was he admitted? A I don't think there was any of them as I knew.
- Q Well was anybody admitted? A Not as I know of we all come back and didn't say whether we were admitted or not until after a certain length of time, then we knowed better.
- Q Did you know a fellow named Charles Nave? A Yes sir.
- Q Where did he live? A Down on the River.
- Q How far from you? A About 5 or 6 miles I guess from me.
- Q Did he come down in that crowd? A Yes sir.
- Q And was he ordered back home? A Yes sir; the judge said you all go back home, we haven't got any use for you people, he said we were all right anyhow.
- Q Did you know Delilah Vann? A No sir.
- Q Never knew her? A No sir.
- Q Did you know Butler McNair? A Yes sir, I knowed him before the war.
- Q Was he down there with you? A Yes sir, we were all in attendance, he lived below us though.
- Q And he was sent back home? A Yes sir, they all come back; I never heard of them trying any there at that time.
- Q Where were they holding that Court? A In the Capitol there at Tahlequah.
- Q Was it down stairs or up stairs or where? A I don't know, it was in the house; it must have been up stairs.
- Q You didn't go up there? A Yes sir, I was in the house, it was kinder of a curiosity for us.
- Q You were not in the room while they were trying these cases? A No sir, didn't try any where we were.
- Q Did you go in where they were trying cases? A No sir, I didn't go in the Court room.
- Q You were in the hall but didn't go in the Court room? A No sir, Judge Daniels, he come out and just told us to go home, we thought it was all right and just went home.
- Q And that was in the fall of the year, was it? A Yes sir, I think it was in the fall, I knew it was.
- Q But you don't remember what year it was? A No sir, but it was warm and we camped out on the Creek.
- Q Well you don't know whether Stephen Henry Lynch went in the room where they were? A I don't think he did, though he might have; wasn't a colored man called while we were there.
- Q And wasn't a one admitted at that time? A Not as I heard of.
- Q Never heard of one? A No sir, I have got a pretty good recollection, after the Court adjourned we were notified through the papers we were all doubtful citizens, and that is all we did know; never did know anything else; we just stayed here all the time and tried to get our rights and Council would fail every time; we would try but didn't get any rights.
- Q Well referring back now to the Jackson Fields case, I will ask you if you ever testified in this case? A Never did, no sir.

- Q Well did you ever know him? A Yes sir, I knowed him.
- Q When did you first learn to know him? A I knowed Jack when he was quite a lad of a boy.
- Q About how long after the war? A I never seen Jack any more after the war for a long time.
- Q Well was it 10 or 12 years? A I guess it was; I I don't know how long it was I did see Jack; I never made no affidavit or testified in Jack's case at all.
- Q You don't know when he returned to the Cherokee Nation? A No sir, I don't.
- Q How do you know Will Hudson ever here at Fort Gibson? A No sir, I might know him if I meet him.
- Q You don't know whether he was up there before that same Court at that time or not? A No sir, I didn't know any of these people at that time.
- Q Did you know Frank Vann who afterwards taught school up in there? A I got acquainted with him afterwards; he used to go around preaching among us; he was kinder of a school teacher and preacher.
- Q What is your postoffice anyhow? A It is either Chaffee or Vinita, either one; it used to be Vinita before Chaffee was established close to us.
- Q Were you living in Saline District about the time you were before the Daniels Court? A Yes sir.
- Q Was Simon Lynch down there at the time you went down there? A Yes sir, we all went together except the women folks and the few young boys.
- Q Was Sandy Bean your father? A Yes sir.
- Q Was he down there? A Yes sir.
- Q Well you knew Bob Daniels well? A Yes sir, I knowed him before the war.
- Q You lived right there in the neighborhood? A Yes sir.
- Q He lived in that neighborhood near? A Yes sir, his folks and my folks were relation.
- Q He was regarded as a good man? A Yes sir, he was a good man; and when he told us to go home we taken his word for it and he was such a good fellow we put lots of confidence in him.
- Q He was always regarded as a good man? A Yes sir, and we put lots of confidence in the Judge at that time.
- Q Did you know Washington Hays? A I knowed one Washington Hays, a young fellow.
- Q Well old man Washington Hays did he go with you when you were all down there? A I don't recollect him.
- Q Did you know Adam Lynch? A Yes sir.
- Q Was he down there? A Yes sir.

BY MR. PATTEN:

- Q You say that bunch was notified sometime after you were told to go home that you were rejected, or given notice about your case? A Didn't state we were rejected, just said we were doubtful citizens.

Q How were you notified, personally or through the papers? A People generally do it, we would elect men and send them to the Council and they just told us we were all doubtful citizens; that is all we got on the matter and we just taken that up until now and lots of us are now doubtful citizens.

MR. PATTEN:

That is all our testimony unless it becomes necessary to introduce some rebuttal testimony.

MR. HASTINGS:

In order to impeach the witness who just left the stand and to show the recklessness which he swears, I desire to introduce the affidavit made by said witness filed with the motion of Jackson Fields' to reopen his case, which is F D 771, and ask that the Commissioner to the Five Civilized Tribes refer and get the original from his own files.

MR. PATTEN:

The Attorneys for applicants have no objection to the request of the Attorney for the Cherokee Nation but ask leave that the witness be recalled and apprised more fully of the affidavit in order that he be given a more fully opportunity than he has had to recognize the affidavit; we know nothing whatever about this affidavit and think that this would be fair.

MR. HASTINGS:

He said that he didn't know anything about when Jackson Fields returned, but I have no objection to have him recalled.

ON BEHALF OF THE COMMISSIONER:

The witness will be recalled.

ARTHUR BEAN RECALLED:

BY MR. HASTINGS:

Q You are the same Arthur Bean that was on the stand awhile ago?
A Yes sir, the same boy.
Q You were asked at that time about whether or not you made an affidavit to support a motion to reopen the case of Jackson Fields? A Yes sir, I was asked that question.

- Q And you said you didn't make any affidavit? A No sir, if I did I don't recollect it; I don't remember making any testimony for Jack Fields at all.
- Q You don't remember anything about when he come back after the war? A No sir.
- Q You never saw him for a number of years after the war? A No sir, I didn't.
- Q Well was it 15 or 16 or 25? A I don't know how long it was.
- Q Well was it 10 or 15 years? A Yes sir, that is my best judgment.
- Q You already knew him? A Yes sir, I knowed him before the war; he was a little boy and then I never got to see him for a long time; I was here until time of the war and I didn't see him.
- Q You didn't see him then for a number of years after the war? A No sir.
- Q Do you remember when you saw him then first after the war? A I believe down there at Joe Lynch's the first time.
- Q About how many years was that after the war? A I don't know just how many years that was.
- Q 10 or 15? A I guess it was probably, maybe not so long; it was quite awhile.
- Q Is that your best judgment? A Yes sir.
- Q Did you know his father and mother? A I knowed his father.
- Q What was his name? A Andy.
- Q You never knew his mother? A I don't think I did; I might have knowed her seem like she belonged to Oliver Reas; I wasn't acquainted with his mother like I was his father.
- Q You never saw them after the war, his father and mother? A No sir, I aint seen them not since way before the war; the time I recollect seeing them.
- Q Was before the war? A Yes sir, I don't recollect seeing them since; I didn't stay up where they was, I was off down here.
- Q And you never saw Jackson Fields in your best judgment for some 10 or 15 years after the war? A No sir.
- Q Now don't you know that you are the same Arthur Bean who, on September 14, 1906, appeared here in Muskegee before the Commissioner to the Five Civilized Tribes and testified in this case for Jackson Fields? A No sir, surely wasn't me.
- Q Is there another Arthur Bean up on Grand River? A No sir, there is not but one that I know of; if I made any statement for Jack I don't recollect it.
- Q I mean before the representative of the Commissioner like you are now? A Before the Commissioners here?
- Q Yes, here in Muskegee? A No sir, I never was on a case of Jack Fields.
- Q You said there was no other Arthur Bean? A No sir.
- Q You are about 64 now? A Yes sir.
- Q And you live up on Grand River? A Yes sir.

MR. HASTINGS:

Now I ask that the testimony of this witness, Arthur Bean, taken before the Commissioner on September 14, 1906,

in the supplemental proceedings had in the matter of the application for the enrollment of Jackson Fields, et al., as Cherokee Freedmen, original No. F B 971, now F B 452, be introduced and made a part of the record or so much thereof as will show the entire testimony of Arthur Bean.

MR. PATTEN:

We have no objection to the request of the Attorney for the Cherokee Nation.

ON BEHALF OF THE COMMISSIONER:

There being no objection, the testimony of Arthur Bean in the Jackson Fields case will be filed with and made a part of the record in this case.

BY MR. PATTEN:

Q Now this testimony mentioned testimony Mr. Hastings referred to in the Jackson Fields case, about which you have answered his question is something like this ---?

MR. HASTINGS:

I want to object to it for the reason that it would be leading if it were recited to him; I have no objection to the fact that he be apprised that he testified, and let the record so show.

ON BEHALF OF THE COMMISSIONER:

The objection will be noted.

- Q I take it Mr. Rogers from Vinita was the Attorney in the case? A I have never been before any Rogers as I know of.
- Q Do you know Charles B. Rogers, an Attorney from Vinita? A No sir, I don't know him; I seen him several times but I don't remember making any affidavit for him.
- Q Do you ever remember of testifying in the case/ was the Attorney for the freedmen? A I don't know as he was ever an Attorney, I never was before Mr. Rogers under no consideration as I ever know of; every one I made an affidavit for I can pretty near think about them when they are called over, but that is one I don't know about.
- Q The affidavit that is purported to have been made by Arthur Bean, signed by Mark, which was witnessed by J. V. Ratcliff and C. A. Smith, of Vinita, was sworn to before J. V. Ratcliff as Notary Public; I think that J. V. Ratcliff is a son of the Ratcliff that runs the store there? A Jim Ratcliff is the only Ratcliff I know, the old man.

- Q Did you make an affidavit before them? A I don't remember of it; I never did make an affidavit in the Fields case as I know of.
- Q How old did you say you are? A 64.
- Q This affidavit about which Mr. Hastings has questioned you is as follows, that is a copy of it, which is purported to be a full copy: (Here is the affidavit which has been introduced in evidence was read to the witness). Do you remember making such an affidavit as that? A No sir, I don't recollect of making it; I don't remember of going before any Notary by the name of Ratcliff.
- Q Do you know any Ratcliffs? A I know Jim.
- Q After you have heard this affidavit read you wholly fail to recognize it? A I don't recollect it at all; if I made it I don't know anything about it; I don't recollect of ever making any statements for Fields at all as I know of in no case; I don't recollect of making that affidavit for Jack Fields.
- Q What do you know about those Fields, about what you have told Mr. Hastings? A Yes sir.
- Q Do you remember of seeing them in January or February or March, 1867, irregardless of the affidavit? A Don't remember of seeing the Ad man Fields boys, Jack and them.
- Q You stated in the affidavit that it was these boys you saw? A If I made that affidavit, I don't know anything about it, that is all there is about it.
- Q Do you remember of seeing the boy Jack? A Not until after the war.
- Q Do you remember of seeing the boy before you saw the old folks, his father? A I aint seen his father since the war; I have seen Jack.
- Q You have seen the boy? A Yes sir, I seen the boy but not the old man at all.
- Q Jack is the boy, is he? A Yes sir.
- Q Well he is the one that reference is made to in the affidavit; there is nothing said in the affidavit when you saw the old man, it is purported to be stated about the boy? A I seen him later on after I came down here.
- Q How long after you came down here? A Quite awhile after I came down before I seen Jack; if I made any affidavit for Jack I don't recollect it at all; I know pretty much every one I made affidavit for; if I made it it has just slipped my remembrance.
- Q You have also evidently testified in this case; the records of the Commissioner to the Five Civilized Tribes show that you were the witness in this case for Jackson Fields, the boy? A I don't recollect of ever coming before the Commissioner for Jack Fields in my life; if I did, I don't know anything about it.
- Q You were asked this question; Q "When was it you saw him? (referring to the first time you saw Jackson Fields after the war) and the answer was "Along in '67 sometime." And the next question was, "Q What time of the year? A Along in the winter time. Q Can you name the month? A It was January or February, shortly after Christmas. Q Where was he living at that time? A I don't really know where he was. Q Was it in the neighborhood of where you live? A He was passing through. Q Did he have any filed books? A He said he was stepping with Joe Lynch.

- Q Who was Jackson's mother? A Chaney Ross. Q Did she return from Kansas? A I couldn't tell you. Q Have you known Jackson Fields since that time? A Yes sir, ever since then.
- Q Have you seen him frequently in the Cherokee Nation since January or February, 1867? A Yes sir, I have seen him frequently. Q Has he made that his home? A Yes sir, ever since I knew him, he was a boy that passed in and out. Q Do you know whether his mother was dead at that time? A No sir, I don't.
- Q About how old was Jackson when you first saw him in the winter of 1867? A He was just a boy, pretty good size boy. Q You say positively that he was in the Cherokee Nation in the month of January or February, 1867? A Yes sir, he was here; I would not be positive until he married here. Q He married in the Cherokee Nation? A Yes sir. Q On Grand River? A Yes sir." Now that was the nature and practically the substance of that testimony as a witness in this case before Mr. Rogers as the Attorney for the applicants? A No sir, I don't recollect of ever making any testimony before the Commissioner for Fields.
- Q This was a year ago last September? A I might have come before the Commissioner, but I don't recollect about it. They kept a record of it I guess but I don't recollect of ever coming down here on the Fields case.
- Q You have heard me read the substance, practically a fair substance of what your testimony was? A Yes sir, I heard it.
- Q Now if you were on the stand would it be about that way? A Like it reads there?
- Q Yes? A I don't know, I couldn't tell you unless I could get it placed in my mind when it was; I can't recollect of ever making that statements; if I made it it has just slipped my remembrance; I don't know anything about it.

ON BEHALF OF THE COMMISSIONER:

- Q Irregardless of this testimony and the affidavit do you know anything about when Jackson Fields returned to the Cherokee Nation after the war? A No sir, it was quite awhile after I come down here before I seen Jack; I don't know how long it was, he might have been in different parts of the Nation.
- Q That was before you saw him? A Yes sir.

BY MR. PATTEN:

- Q You said something not knowing much of him until he married, how long after the war before he was married? A I couldn't tell you, I don't know how long.
- Q Was it a number of years? A Yes sir, quite a number of years.
- Q That was about the first time you remember of him here, about the first time he was married? A Yes sir, a year or two before he married.

- Q How big a boy was he when the war broke out? A Just about as high I would guess him, a little higher; I never seen him any more in the time of the war, I didn't stay in Kansas during the war.
- Q Then from the size he was when the war broke out it would be a number of years after the war before he was old enough to marry? A Yes sir, I was quite a young boy myself then.
- Q You were older than he was? A Yes sir, I guess I was; I couldn't just keep up with our peoples ages at that time.

(Witness excused).

LEMMUEL S. SANDERS, being first duly sworn by B.P. Ragrus, a Notary Public, testified as follows on behalf of Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A Lemmel S. Sanders.
- Q Your age? A I will be 78 the 10th of next May.
- Q What is your postoffice? A Stilwell, Indian Territory.
- Q You are a citizen of the Cherokee Nation? A Yes sir.
- Q By intermarriage? A Yes sir.
- Q When did you come to the Cherokee Nation? A My recollection is that I came in 1868 or 1869.
- Q Your wife a Cherokee? A Yes sir.
- Q Was she admitted by the Cherokee Authorities? A Yes sir.
- Q By Council or Court? A By Court.
- Q Who presided over the Court? A Judge Robert Daniels.
- Q Was she admitted by the Daniels Court? A Yes sir.
- Q Did you have any occasion to attend upon the session of that Court? A I was Attorney for several persons there.
- Q Have you been practicing law in the Cherokee country since? A I practiced ever since then.
- Q Do you know whether there was any colored people that were in attendance before that Court? A Yes sir, there was some in attendance.
- Q Do you know whether their cases were being heard? A There cases were heard, my recollection is, like all the others.
- Q Testimony taken in them? A Yes sir.
- Q You say you had occasion to be before the Court a number of times? A I had occasion to be there several times and remained there for a week or two.
- Q You say colored people was there during these visits? A Yes sir, I saw them in the Court room.
- Q Well did you ever know or hear of any of them being sent away without having their cases heard there? A Never heard of anything of that sort, until within the last three or four weeks, I have heard it was a rumor.

BY MR. PATTEN:

- Q You are a white man yourself, aren't you? A Yes sir.
- Q You say your wife was a Cherokee? A Yes sir.
- Q She was a Cherokee by blood? A Yes sir.
- Q She was admitted by that Court? A Yes sir, her name was Vian Raper.
- Q Where were you living at that time? A I was living in Flint District close to where I now live; four miles west of where Stilwell now is.
- Q Is that somewhere near Tahlequah? A About 20 miles south of Tahlequah.
- Q How far is that from Grand River? A I don't think I could give you the exact distance.
- Q Well at what time was your wife admitted by that Daniels Court, what year? A My recollection is that it was in 1871.
- Q You had only been in the Cherokee Nation at that time two or three or four years? A About that long.
- Q Where did you come from? A I came from Cherokee County, North Carolina.
- Q You were a stranger in this country when you came? A I was acquainted with several persons that came just before and just after I did; not personally acquainted with many.
- Q You were not acquainted with the country and the majority of the people in it? A No sir, I wasn't acquainted with a majority of the people in this country of course.
- Q At the time that Daniels Court was in session were you acquainted with that bunch of freedmen over there on Grand River? A No sir.
- Q How long were you in attendance at that Court, continuously? A I was in attendance sometimes a week or two weeks on different occasions, I believe I stayed there two weeks once; my cases were called from time to time.
- Q Well you were there you saw some freedmen cases tried? A I was in the Court room when freedmen cases were called and were tried during the time I stayed there.
- Q Were they trying Cherokee cases too? A Yes sir.
- Q They were trying Cherokees as well as freedmen? A Of course they were.
- Q Well did they try these freedmen cases, I mean the most of them in as fair and impartial a way as they did the Cherokee cases? A That would be a pretty hard question for me to answer; my recollection is they tried us all alike.
- Q They showed no difference between a freedman and Cherokee so far as they were concerned? A No sir.
- Q Do you know Mr. Starr here? A I have seen him.
- Q Did you ever have any communications with him about this case? A Yes sir.
- Q Mr. Starr wrote you a letter about this case and you answered it? A Yes sir, I think so.
- Q Isn't it a fact that you answered him and told him that the freedmen were not given as fair a chance as the Cherokees? A Mr. Starr wrote me a second time and I gave it further consideration about the matter; and further Mr. Starr or somebody else wrote

me there was money up here for me when I come as a witness and I studied the matter over and decided it would be freedmen money so I didn't come.

- Q Do you remember when that bunch of freedmen were there from Grand River? A I couldn't tell you; it seems to me like the time the Martins were there was the time I was there.
- Q Do you know where they came from? A I think they were from Grand River.
- Q You would not undertake to swear that one bunch of people from that section of country up in there didn't get a trial? A I don't know whether they did or didn't.
- Q You don't know? A No sir.
- Q Who was Judge of that Court? A Judge Daniels my recollection is that there was about three judges, I think one was a Sixkiller, Judge Daniels was the Chief Justice and I think George Scrapper was another Judge.
- Q Was Sixkiller a full blood? A I couldn't tell you that, he was a Cherokee.
- Q They were all Cherokees? A Yes sir, and Scrapper was probably a full blood, I don't think he was.
- Q Three quarters or full blood? A I couldn't tell you.
- Q How about Scrapper? A He was pretty near a full blood, he talked good English.
- Q Then two of the three Judges there were full bloods or nearly full bloods? A I couldn't say, two were full bloods, my recollection is that they were nearer full bloods than white.
- Q Judge Daniels was the Chief Justice? A That is my recollection.
- Q And he had a large percentage of Indian blood? A He was pretty fair.
- Q Wasn't he somewhere near half? A I couldn't tell you; I don't know the blood of these people.

(Witness excused).

MR. HASTINGS:

I desire now to offer for the purpose of contradicting the statements made by Toke Bean, I desire to have the affidavit made by Toke Bean to support the motion to reopen the case of Payton Martin, F B 294, introduced and made a part of the record in this case.

MR. PATTEN:

We have no objections.

ON BEHALF OF THE COMMISSIONER:

There being no objection a copy of the affidavit will be filed in this case.

MR. PATTEN:

The Attorneys for applicants have no objection to that part of the record just ready by the representative of the Cherokee Nation, but submit that the record will show that it does not contradict the witness, Sam Webber, for the reason that we submit his testimony will show that a number of people admitted as he stated was that they were the only ones that he remember of being admitted while he was there, and for the same reason in regard to the other witnesses in this case has testified in regard to the procedure of the Daniels Court. For the purpose of rebutting the Cherokee Nation, for the purpose of corroborating the witnesses introduced on behalf of the applicants we ask that pages 35, 36, 37, 38, and 39, being a part of the record of the Docket of Doubtful cases for Cherokee citizenship tried in 1871 before the Daniels Court, being particular from Saline District, Cherokee Nation, Indian Territory, be made a part of the record in this case. Be copied into the record just as they are.

MR. HASTINGS:

The representative of the Cherokee Nation has no objection but takes this occasion to deny that it will in any way corroborate any statements made by witness, but on the other hand it tends to contradict the material parts of the testimony given by witnesses on behalf of the applicants.

ON BEHALF OF THE COMMISSIONER:

There being no objection the pages referred to will be here copied into the record and is as follows:

"Saline District.

- R R 53 Walker Martin, Too late, Decided against claimants June 13, 1871.
- R R 54 George Martin & family.
Decided against defendants, June 8th, 1871.
- R R 55 Jack Martin & family
Decided against defendants, June 8th, 1871.
- R A 56 William Lynch & family Martha witness
Decided in favor defendants, June 8th, 1871.
- R R 57 Stephen Henry Lynch & family
Decided against defendants June 8th, 1871.
- R R 58 Jack Davis
Decided against defendants, June 8th, 1871.

- R R 59 Jordan Thompson
Decided against defendant, June 8th, 1871.
- R R 60 Thomas Mayfield
Decided against defendant, June 8, 1871.
- R R 61 George Bryant
Decided against defendant, June 8, 1871.
- R R 62 Joseph Rogers & family
Decided against defendants, June 8, 1871.
- R R 63 George Lundum & family
Decided against defendants June 8, 1871.
- R R 64 Jacob Bean & family
Decided against defendants, June 8, 1871.
- R R 65 Samuel Roberts Too late
Decided against claimant, June 13, 1871.
- R R 66 Sandy Bean & family
Decided against defendants, June 8th, 1871.
- R R 67 Arthur Bean
Decided against defendant, June 8, 1871.
- R R 68 Tebe Bean
Decided against claimant June 8, 1871.
- R R 69 George Bean & family
Decided against claimants June 8, 1871.
- R R 70 Nelson Martin & family
Decided against claimants, June 8, 1871.
- R R 71 Jacob Martin
Decided against claimant June 9th, 1871.
- R A 72 Chas. Hove & family
Decided in favor of claimants, June 9th, 1871.
- R R 73 Adam Lynch & family
Decided against claimants June 9th, 1871.
- R R 74 John Bean
Decided against claimant, June 9th, 1871.
- R R 75 James Andrew Too late
Decided against claimant, June 13, 1871.
- R R 76 Johnann Vann
Decided against claimant June 9, 1871.

- R A Delilah Vann & children
Decided in favor of claimant, June 9, 1871.
- R R 77 Mariah Vann Too late
Decided against claimant 13, 1871.
- R R 78 James Martin Too late
Decided against claimant, June 13, 1871.
- R R 79 David Brown Too late
Decided against claimant, June 13, 1871.
- R R 80 Washington Hays
Decided against claimant, June 9, 1871.
- 81 Leonard Bouls
Claiming rights by marriage.
- R R 82 James Vann & family
Decided against claimants June 13, 1871.
- R A 83 Butler McHair Jno. Springston witness
Decided in favor of claimants, June 9, 1871.
- R R 84 Payton Martin
Decided against claimant June 9, 1871.
- R A 85 Bill Vanns children as follows: Bill, Lydia,
Ben, Rose, Imo & Sally.
Decided in favor of claimants, June 9th, 1871.
- R R 86 David French Too late
Decided against claimants, June 13, 1871.
- R R Perry Vann Too late
Decided against claimant June 13, 1871."

Attorneys for applicants and the Cherokee Nation announce they have no further evidence to introduce in this case the same will be closed and a decision rendered on the evidence heretofore introduced.

-----oOo-----
Geo. H. Lesaley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Geo. H. Lesaley.
Subscribed and sworn to before me this 18th day of January, 1907.
(Signed) Chas. E. Webster,
Notary Public.

The undersigned being duly sworn states that the above is a true and correct copy of the foregoing instrument now on file in this office, she being stenographer to the Commissioner to the Five Civilized Tribes.

Subscribed and sworn to before me this 12 day of June, 1907.

A. C. Pitts
Notary Public

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jesse Vann, et al., as Cherokee Freedmen, consolidating the applica-
tions of

Jesse Vann, et al.,	Cherokee Freedmen	D 284
William Vann, et al.,	"	D 308
Hettie Eaton,	"	D 199
Daniel Lynch, et al.,	"	D 316

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission: by Jesse Vann for himself and his minor children, Frank, Riley and Levat Vann; by William Vann for himself, his wife, Hannah Vann, and his minor child, Annie Vann; by Tom Eaton for his wife, Hettie Eaton, among others, the other parties to this application, being differently classified, are not embraced in this decision; and by Daniel Lynch for himself, his wife, Mary Lynch, and his minor children, Arthur and Lucine Lynch.

The evidence shows that William Vann, Hannah Vann and Jesse Vann were the slaves of Cherokee citizens at the commencement of the rebellion; and that they were taken out of the Cherokee Nation during the rebellion. It further shows that neither William Vann, Jesse Vann, nor their parents, Steve Lynch or Faggie Lynch, returned to said Nation until after January 19, 1867.

The evidence further shows that Hettie Eaton, Daniel Lynch and their children, above named, were all born since the commencement of the rebellion, and are descendants of the said Steve Lynch and Faggie Lynch, and have no rights as Cherokee Freedmen, except such as they may have derived through them; that Mary Riley was born since 1864, and is the daughter of one Nancy Ross, through whom she claims the right to enrollment as a Cherokee Freedman; that Nancy Ross was the slave of a Cherokee citizen at the commencement of the rebellion and was taken out of the Cherokee Nation during the rebellion, but did not return thereto until after January 19, 1867.

It does not appear that the names of any of the applicants herein are found on the 1868 authenticated Cherokee roll.

The evidence further shows that the said Hannah Vann returned to the Cherokee Nation prior to January 19, 1867, and that she has resided therein from that time up to and including the date

of her application herein. The said Annie Vann, who was born since 1866, is the daughter of Hannah Vann, and being a minor is considered to have resided since her birth with her mother.

It is, therefore, the opinion of this Commission that Hannah Vann and her minor child, Annie Vann, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495); and that the applications for the enrollment of Jesse Vann, Frank Vann, Riley Vann, Levat Vann, William Vann, Nettie Eaton, Daniel Lynch, Mary Lynch, Arthur Lynch and Lucius Lynch as Cherokee Freedmen should be denied, under the provisions of said section twenty-one, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Pixby.

Chairman.

(SIGNED).

L. B. Neel.

Commissioner.

(SIGNED).

C. R. Brockinridge.

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Dated at Muskogee, Indian Territory,

JUL 10 1903

this _____

C. F. B.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jesse Vann, et al., as Cherokee freedmen, consolidating the ap-
plications for the enrollment of:

Jesse Vann -----	Cherokee freedmen R 302	(D 254)
William Vann -----	Cherokee freedman R 573	(D 309)
Nettie Eaton -----	Cherokee freedman R 535	(D 109)
Daniel Lynch, et al -----	Cherokee freedmen R 301	16
Jacob Bean, et al -----	Cherokee freedmen D 395	

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Jesse Vann for himself and minor children, Frank, Riley and Levat Vann; the application for the enrollment of Frank, Riley and Levat Vann is differently classified and their rights to enrollment will not be considered in this decision; by William Vann for himself and his wife, Hannah, and his minor child, Annie Vann; the application for the enrollment of said Hannah and Annie Vann is differently classified and their rights to enrollment will not be considered in this decision; by Tom Eaton for, among others, his wife, Nettie Eaton; the others included in said application are differently classified and their rights to enrollment will not be considered in this decision; by Daniel Lynch for himself and his wife, Mary Lynch, and their minor children, Arthur and Lucine Lynch; by Jacob Bean for himself and minor daughter, Bertha Bean, and minor son, George Bean; the application for the enrollment of said George Bean is differently classified and his right to enrollment will not be considered in this decision, and by Bertha Bean for her minor son, Willie Vann. The records further show that on July 20, 1904, the Commission to the Five Civilized Tribes rendered its decision therein, denying, among others, Jesse Vann, William Vann, Nettie Eaton, Daniel Lynch, Mary Lynch, Arthur Lynch and Lucine Lynch the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded the Department for review; that thereafter on May 11, 1904 (I.F.B. 2412-04), the Department affirmed said decision of the Commission to the Five Civilized Tribes as to all the applicants, and stated that inasmuch as said William Vann and Nettie Eaton had married recognized Cherokee freedmen, their rights as

intermarried citizens should be determined, and that thereafter on May 13, 1905, said Commission rendered its decision herein, denying said William Vann and Nettie Eaton the right to enrollment as citizens by intermarriage of the Cherokee Nation, which decision was, on June 21, 1905, duly approved by the Department. The records further show that on March 3, 1906, the Commissioner to the Five Civilized Tribes rendered his decision herein, denying the applications for the enrollment of Jacob Bean, Bertha Bean and Willie Vann as Cherokee freedmen, and that said decision was duly forwarded the Department for review; that thereafter on December 7, 1906 (I.T.D. 21044-06), motions to reopen said cases having been filed with the Department, the Secretary of the Interior remanded said cases to this office with instructions to consolidate the cases of Jesse Vann, et al. and Jacob Bean et al. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, January 10, 11, and 14, 1907. A copy of the testimony of Arthur Bean taken before the Commissioner to the Five Civilized Tribes September 14, 1905, in the matter of the application for the enrollment of Jackson Fields, et al., as Cherokee freedmen, and an affidavit executed by said Arthur Bean December 31, 1904, in the matter of said application, are filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein, Jesse Vann, William Vann and Jacob Bean, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that they left the Cherokee Nation during the progress of said rebellion, and did not return thereto and establish an actual personal bona fide residence in the Cherokee Nation until subsequent to February 11, 1867. It is further shown that Nettie Eaton and Daniel Lynch were born since 1866 and are descendants of Steve and Peggie Lynch, and neither claim nor possess any right to enrollment as Cherokee freedmen other than as such descendants; that the said Steve and Peggie Lynch were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during the progress of said rebellion they left the Cherokee Nation and did not return thereto and establish an actual personal bona fide residence therein until subsequent to February 11, 1867. It is further shown that the said Bertha Bean was born since 1866, and is a daughter of the said Jacob Bean and one Judie Bean, since deceased; that the said Judie Bean was born in Kansas during the rebellion and was the daughter of said Steve and Peggie Lynch, and returned to the Cherokee Nation with her said parents when they returned thereto subsequent to February 11, 1867, and that said Bertha Bean possesses no right to enrollment as a Cherokee freedman not possessed by her said parents; that the said Willie Vann is a minor son of the said Bertha Bean and claims the right to enrollment as a descendant of his said mother, and also as a descendant of his alleged father, one Samuel Vann, a duly recognized freedman citizen of the Cherokee Nation; that the allegation

said Willie Vann possesses no right whatever, to enrollment as a descendant of his putative father; that the said Mary Lynch was born since 1866, and is the daughter of one Nancy Ross, and neither claims nor possesses any right to enrollment as a Cherokee freedman other than as such descendant; that the said Nancy Ross was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion she left the Cherokee Nation and did not return thereto and establish an actual personal bona fide residence therein until subsequent to February 11, 1867. The evidence further shows that the minor applicants herein, Arthur and Lucine Lynch are minor children of the said Daniel and Mary Lynch and possess no right to enrollment as Cherokee freedmen not possessed by their said parents.

In view of the foregoing it is considered that no one of the applicants herein possess any right whatever to Cherokee freedman citizenship. Excepting the Kern-Clifton and Wallace rolls none of the applicants can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Jesse Vann, William Vann, Nettie Eaton, Daniel Lynch, Mary Lynch, Arthur Lynch, Lucine Lynch, Jacob Bean, Bertha Bean and Willie Vann are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory.

this Feb 23 1907.

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes,
in the matter of the application of Daniel Lynch et al, one copy of
the original testimony of May 16th, 1901.

Mallett Smith

Attorney for Applicants.

Cherokee F. #D316.

F. D. 316

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190.....

Given under my hand this
day of A. D. 190

.....
Marshal for the Cherokee Nation.

.....
I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of, 190

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190.....

.....
Subscribed and sworn to before me
this Oct 4 1901

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECEIVED

1901

 ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Daniel Lynch, Vinita I. T.
for enrollment as Cherokee Freedmen:
Case No. F. D. 316
To Daniel Lynch:

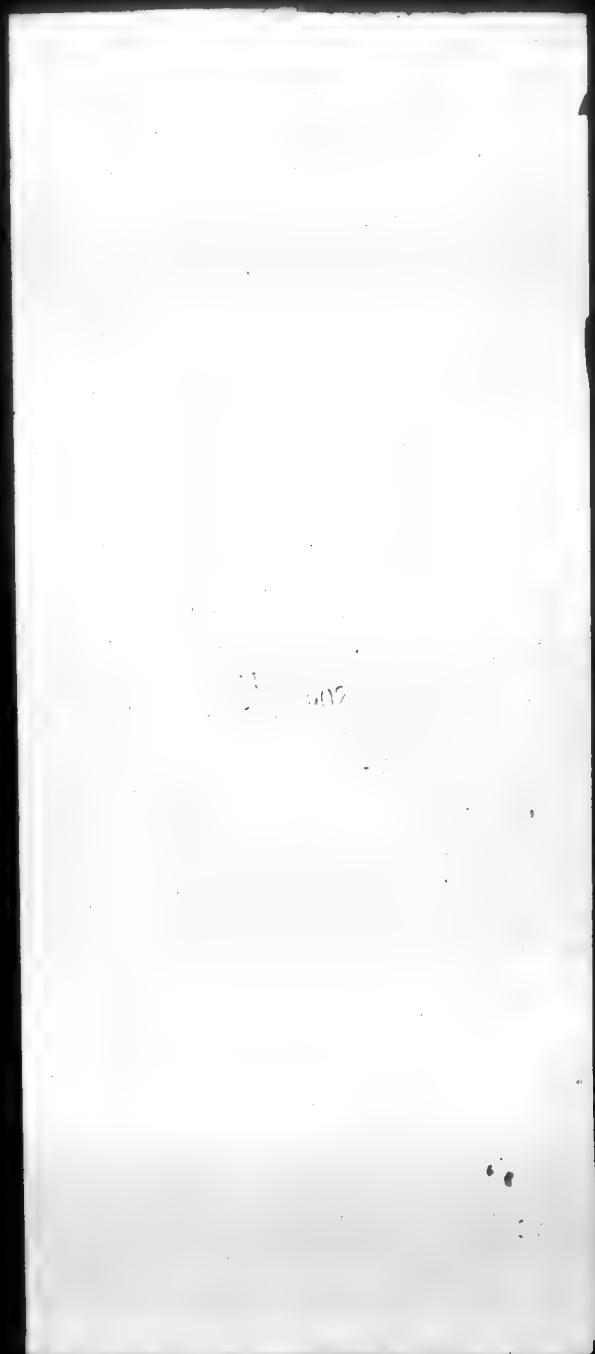
You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory. Indian Territory, on October 4th, 1901. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October 3rd, 1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.



F. D. _____

INDIAN TERRITORY,

CHEROKEE NATION.

I hereby certify that I served the within notice on

_____ by delivering a true copy thereof on the

day of _____ A. D. 190

Given under my hand this _____ day of _____ A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of _____, 190

[Signature]
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a true copy of the within notice to _____

on the _____ day of _____ A. D. 190

Subscribed and sworn to before me this _____

Notary Public.

NOTICE!

IN THE MATTER OF the application of Daniel Irnon, et al,
for enrollment as Cherokee Freedmen:
Case No. F. D. 316

To Daniel Irnon, or Mellette G. Smith, his attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on April 19, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 19, 1902,

L B Bell

*W. W. Hastings
Jas. S. Dauphorth*
Attorneys for the Cherokee Nation.

Cherokee Freedmen
D-254, &c.

Muskogee, Indian Territory, July 17, 1903.

W. V. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Jesse Vann, et al., granting the application for the enrollment of Hannah and Annie Vann, and rejecting the application for the enrollment of Jesse, Frank, Riley, Lovat and William Vann, Nettie Eaton, and Daniel, Mary, Arthur and Lucine Lynch, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles

Commissioner in Charge.

Enc. H-41.

COPY.

Cherokee Freedmen
D-316

Muskogee, Indian Territory, August 24, 1903

Edgar Smith,

Attorney for Daniel Lynch et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, respecting, among others, the application of Daniel Lynch for the enrollment of himself, his wife, Mary Lynch, and his two minor children Arthur and Lucine Lynch, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles.

Enc. D-125
Register.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-316

Muskogee, Indian Territory, August 24, 1903.

Daniel Lynch,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself, your wife, Mary Lynch, and your two minor children, Arthur and Lucine Lynch, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-124
Register.

Commissioner in Charge.

COPY.

Cherokee Freedmen D-
254-309-316-190

Muskogee, Indian Territory, August 24, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Jesse Vann et al., including the Commission's decision dated July 10, 1903, granting the application for the enrollment of Hannah and Annie Vann, and rejecting the applications for the enrollment of Jesse, Frank, Wiley, Lovet and William Vann, Nettie Eaton and Daniel, Mary, Arthur and Lucine Lynch as Cherokee freedmen.

Respectfully,

I. B. Needles.

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-128

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALBION L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee F.D-316

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tahlequah, Indian Territory, November 6, 1903.

Daniel Lynch,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of October 14, stating that your application for enrollment as a Cherokee freedman has been denied by the Commission, and asking if applicants, who are denied enrollment, will have the right to file on land held by them in the Cherokee Nation, or if said land will be taken away from them.

In reply, you are advised that, under the provisions of the Cherokee Agreement, proclaimed August 12, 1902, no person whose name does not appear upon the roll of citizens prepared by this Commission shall be entitled to in any manner participate in the distribution of the common property of the Cherokee tribe.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

C O P Y.

LAND
55266/1903.
66281/1903.

Department of the Interior,

Office of Indian Affairs,

Washington, March 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated August 24, 1903, transmitting the record relative to the application of Jesse Vann et al., for enrollment as Cherokee freedmen.

Jesse Vann applied for the enrollment of himself and his minor children, Frank, Riley and Lovat Vann. William Vann applied for the enrollment of himself, his wife, Hannah Vann, and their minor child, Annie Vann. Tom Eaton applied for the enrollment of his wife, Nettie Eaton and others. Daniel Lynch applied for the enrollment of himself, his wife, Mary Lynch, and their children, Arthur and Lucina Lynch.

The Commission says that as the other parties applied for by Tom Eaton, are differently classed, they were not included in their decision. July 10, 1903, the Commission held that Hannah and Annie Vann were entitled to enrollment and that Jesse, Frank, Riley, Lovat and William Vann and Nettie Eaton and Daniel, Mary, Arthur and Lucina Lynch were not entitled to enrollment.

William, Hannah and Jesse Vann, the record shows, were

slaves of Cherokee citizens at the commencement of the war and that they were taken out of the Cherokee Nation during the war. Nettie Eaton, Daniel Lynch and their children, were born since the commencement of the rebellion and are descendants of Steve and Peggy Lynch. Steve and Peggy Lynch were the parents of William and Jesse Vann.

The record shows that Hannah Vann returned to the Cherokee Nation within the time limit fixed by the treaty of 1866. Hannah Vann is the daughter of George Johnson, who belonged to Stand Watie, a citizen of the Cherokee Nation. The record shows that William and Jesse Vann or their parents did not return to the Cherokee Nation within the time limit fixed by the treaty of 1866, and the approval of the Commission's decision favorable to Hannah and Annie Vann and unfavorable to William, Jesse, Frank, Riley and Levat Vann, and Nettie Eaton, and Daniel, Mary, Arthur and Lucine Lynch, is recommended.

There is also enclosed a communication from Louis T. Brown, of Vinita, Indian Territory, dated September 29, 1903, which was received with Department letter of October 14th last, (I.T.D. 8687), in which he requested that he be allowed twenty days "to complete appeal" in this case.

Very respectfully,

A.C. Yeager

Acting Commissioner.

GAV-H.

D. C. 15476-1904.

JP PHE IRS

DEPARTMENT OF THE INTERIOR,

ITD 2412-1904.

WASHINGTON.

May 11, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 17, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application for the enrollment as Cherokee freedmen of Jesse, Frank, Riley, Levat, William, Hannah and Annie Vann; of Tom Eaton and Nettie Eaton, and of Daniel, Mary, Arthur and Lucine Lynch, and recommended that your decision of July 10, 1903, in favor of Hannah and Annie Vann, and adverse to all the other applicants except Tom Eaton, who is otherwise classified by you, and in regard to whom no decision was rendered, be affirmed.

The Department finds no reason to disturb your decision, and it is hereby concurred in.

As William Vann and Nettie Eaton are married to recognized Cherokee freedmen, you will proceed to determine their rights, if any as intermarried Cherokees. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

1 inclosure.

Acting Secretary.

Cherokee Freedmen
D-316.

Muskogee, Indian Territory, May 19, 1904.

Elder Smith,

Attorney for Daniel Lynch et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, the application for the enrollment of Daniel, Mary, Arthur and Lucine Lynch as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 11, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-316.

Muskogee, Indian Territory, May 19, 1904.

Daniel Lynch,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself, your wife, Mary Lynch, and your two minor children, Arthur and Lucine Lynch, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 11, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-309 et al.

Muskogee, Indian Territory, May 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of William Vann et al., granting the application for the enrollment of Hannah and Annie Vann and rejecting the applications for the enrollment of William, Jesse, Frank, Riley and Lovat Vann, Nettie Eaton, Daniel, Mary, Arthur and Lucine Lynch as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 11, 1904.

Respectfully,

Commissioner in Charge.

(C O P Y)

D.C.
14069-1906

I.T.D. 2412-1904
4644-1905
1869, 4894-1906
5246--"

DEPARTMENT OF THE INTERIOR
WASHINGTON.

Y.P.
FVB

April 14, 1906

L R S.

The Commissioner to the five civilized Tribes,
Muskegee, Indian Territory.

Sir:

The department has considered a motion for rehearing in the Cherokee freedman case of Jesse Vann, et al., William Vann, et al., Nettie Eaton, and Daniel Lynch, et al., in which the department on May 11, 1904, affirmed the decision of the commission to the five civilized Tribes adverse to the claimants except Hannah and Annie Vann.

The showing made is sufficient to warrant a rehearing. said decision of May 11, 1904, is accordingly rescinded, except as to Hannah and Annie Vann, and you are authorized to have a rehearing in due time, and to readjudicate the case as to the other applicants.

This action disposes of motions for review in the cases of Jesse Vann et al., William Vann, et al., Nettie Eaton, and Daniel Lynch, et al., filed September 7, 1905, of which you were advised January 15 and 24, 1906.

here are inclosed the testimony originally taken (two sets of papers), the motions for review and papers attached thereto, filed in the Department September 7 and November 22, 1905, and the motion for rehearing mentioned and papers attached thereto.

Respectfully,

(Signed) THOS RYAN
First Assistant Secretary

Through the Commissioner
of Indian Affairs. See
letter of March 23, 1906.

6 inclosures.

(C O P Y)

Y.P
WHE

D.C. 56938-1905

I.T.D. 16634-1905 DEPARTMENT OF THE INTERIOR
WASHINGTON.

December 19, 1905

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered the motion for review of its decision of May 11, 1905, in the Cherokee freedman case of Jesse Vann, et al., filed by J. J. Bulger, with letter of November 20, 1905.

Attached to the motion are a number of affidavits, copies of which were not, apparently, served upon the attorneys for the Cherokee Nation. Such affidavits will not be considered by the Department upon motions for review. As a basis for motions for rehearing such affidavits will receive consideration if copies are served upon the attorneys for the nation.

It is sought by this motion to show that Stephen Lynch, the father of Jesse Vann, and with whom Jesse Vann and most of the principal applicants claim to have returned to the Cherokee Nation from Kansas, returned within the time specified in the treaty of 1866.

From the record in the case it appears that on June 8, 1871, a decision was rendered by the Supreme Court of the Cherokee Nation against Stephen Lynch and family, as Cherokee freedmen,

holding that they did not return within the time required.

October 5, 1905, the Department approved an opinion of the Assistant Attorney General in the case of Harry Still, in which it was held that judgments of the Cherokee Court should be "followed unless it appears that fraud was practised upon the court, or that the evidence then before the court, and that now available before the Commission show that the conclusion of the court upon the case, for fraud or lack of evidence then available, was clearly wrong."

In that case the decision of the court was favorable to Harry Still. It was also stated in said opinion that

"The determination of those questions by the court favorable to the applicant when comparatively near the events respecting which it inquired, should not be overturned or disregarded at this later time, unless shown to be vitiated by fraud or clear evidence that it was erroneous."

There has been no allegation of fraud in the procurement of the decision of June 8, 1871, in the Lynch case, and the evidence properly before the Department does not by any means show that it was erroneous. The motion is accordingly hereby denied. You will so advise the attorney for the applicants.

The affidavits filed by Mr. Bulger are inclosed to be returned to him.

Respectfully,

(Signed) THOMAS RYAN

First Assistant Secretary.

2 inclosures.

Cherokee
F R 302

Muskogee, Indian Territory, January 15, 1906.

J. J. Bulger,

Attorney for Jesse Vann, et al.,
Winita, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of December 19, 1905, in which the motion filed by you on November 20, 1905, for review of Departmental decision of May 11, 1905, in the Cherokee freedman case of Jesse Vann, et al., is denied.

For your information there is inclosed herewith a copy of said letter. There is also inclosed herewith the motion filed by you together with affidavit attached thereto signed by Jesse Vann and Daniel Henry Lynch.

Respectfully,

Incl. CL-15.
OHL

Commissioner.

Cherokee
F R 302

Muskogee, Indian Territory, January 15, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith for your information a copy of Departmental letter of December 19, 1905, in which the motion filed by J. J. Bulger for review of Departmental decision of May 11, 1905, in the Cherokee freedman enrollment case of Jesse Vann, et al., is denied.

Respectfully,

Incl. GL-16.
GHL

Commissioner.

Cherokee
F R 301

Muskogee, Indian Territory, January 15, 1906.

Daniel Lynch,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of December 19, 1905, in which the motion filed by your attorney, J. J. Bulger, Vinita, Indian Territory, for a review of Departmental decision of May 11, 1905, in the matter of the application for the enrollment of yourself, et al., as Cherokee freedmen, is denied.

Respectfully,

GHL

Commissioner.

Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS

D.C. 3552-1906
I.T.D. 2412-1904,
8349, 8411,
8423, 8447,
8735-1905.

January 24, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 19, 1905, in letter to you the Department denied a motion for review filed by J. J. Bulger in the consolidated Cherokee freedman case of Jesse Vann et al., William Vann et al., Tom Eaton et al., and Daniel Lynch et al.

A motion for review of the decision of the Commission to the Five Civilized Tribes in this case filed September 7, 1905, by Elue & Bulger and McGowan, Serren & Mohn, the latter of this city, presents no question of fact or law not heretofore considered, and is therefore hereby denied, and it and the papers attached thereto have been sent to the Indian Office to be filed with the papers in the case. The local attorneys will be advised of this action by the Indian Office.

At the same time the latter mentioned motion was filed, said attorneys filed separate "motions for review of decision" "in the matter of the application of Nettie Eaton, William Vann et al., Jesse Vann et al., and Daniel Lynch et al."

All of these motions were before the Assistant Attorney-General at the time of his opinion of January 10, 1906, copy of which was sent you January 15, 1906.

As the date of decision complained of, wherever made, is not given, and as the Department is furnished by said attorneys with nothing more to identify the case than the name of the principal applicant in each case, the Department has been unable to identify such cases, unless all of these motions have reference to the first case herein mentioned, Jesse Vann et al. To add to the confusion caused by the imperfections in said motions, there is found on a list of persons in whose interest motions for review were made (311 motions) filed by said attorneys, "William Vann" and "Jesse Vann et al." both in two separate places.

You will advise said attorneys, Blue & Bulger, that unless sufficient data is furnished the Department within 30 days from notice to enable it to identify the cases of Nettie Eaton, William Vann, Jesse Vann et al., and Daniel Lynch et al., the motions will be dismissed.

Respectfully,

(Signed) Theo. Ryan.

First Assistant Secretary.

Muskogee, Indian Territory, February 1, 1906.

Blue A. Bulger,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of January 24, 1906, in which the motion filed on September 7, 1905, by you, and McGowan, Serven & Vohun, of Washington, D. C., for review of the decision of the Commission to the Five Civilized Tribes in the Cherokee freedmen consolidated cases of Jesse Vann, et al., is denied by the Department for the reason that the same presents no question of fact or law not heretofore considered.

The Department advises that on the same date, September 7, 1905, you and the above attorneys filed separate "motions for review of decision" "in the matter of the application of Nettie Eaton, William Vann, et al., Jesse Vann, et al., and Daniel Lynch, et al." The Department states that as the date of the decision complained of is not given, and as the Department is furnished with nothing more to identify the cases than the name of the principal applicant in each case, it is unable to identify such cases, and that to add to the confusion caused by the imperfections in said motions, there is found in the list of persons in whose in-

terest motions for review were filed (311 motions) by you and the above attorneys, which motions were before the Assistant Attorney General for the Interior Department at the time of his opinion thereon of January 10, 1906, "William Vann" and "Jesse Vann, et al.," both in two separate places. This office is instructed to advise you "that unless sufficient data is furnished the Department within thirty days from notice to enable it to identify the cases of Vettie Eaton, William Vann, Jesse Vann, et al., and Daniel Lynch, et al., the motions will be dismissed."

You are, therefore, hereby notified that you will be allowed thirty days from date hereof within which to file with this office, for transmission to the Department, such data as will enable the Department to identify upon its records the cases in which said motions are intended to be filed, and, if possible, the dates of the decision of the Commission to the Five Civilized Tribes in each case, the number of the case, and the dates of Departmental action therein.

For your information, there is inclosed herewith a copy of Departmental letter referred to, and also a copy of the opinion of the Assistant Attorney General for the Interior Department, dated January 10, 1906, herein referred to.

Respectfully,

Incl. 3-110

Acting Commissioner.

Muskogee, Indian Territory, March 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In letter to this office of January 24, 1906 (I.T.D. 2412-1906, 8349, 8411, 8423, 8547, 8938-1906), the Department, referring to its letter of December 19, 1905 (I.T.D. 16024-1905), denying the motion for review filed by J. J. Bulger in the consolidated Cherokee freedman case of Jesse Vann, et al., William Vann, et al., Tom Eaton, et al., and Daniel Lynch, et al., advises that a motion for review of the decision of the Commission to the Five Civilized Tribes in said case, filed September 7, 1905, by Blue & Bulger, and McGowan, Sarven & Mohun, presents no question of fact or law not theretofore considered, and the motion is denied.

The Department also advises that at the same time the motion was filed on September 7, 1905, said attorneys filed separate motions for review in the matter of the application of Nettie Eaton, William Vann, et al., Jesse Vann, et al., and Daniel Lynch, et al. The Department states that all of these motions were before the Assistant Attorney-General at the time of his opinion of January 10, 1906, and that the date of the decision

complained of is not given, and as the Department is furnished with nothing more to identify the case than the name of the principal applicant in each case, it has been unable to identify such case "unless all of these motions have reference to the first case herein mentioned, Jesse Vann, et al."

The Department further states that to add to the confusion caused by the imperfections in said motions "there is found on a list of persons in whose interest motions for review were made (311 motions) filed by said attorneys, 'William Vann' and Jesse Vann, et al.,' both in two separate places".

This office was directed to advise Blue & Bulger that unless sufficient data is furnished the Department within thirty days from notice to enable it to identify the cases of Nettie Eaton, William Vann, Jesse Vann, et al., and Daniel Lynch, et al., the motions would be dismissed.

On February 1, 1906, Blue & Bulger were furnished a copy of Departmental letter of January 24, 1906, and in accordance with the Department's instructions, notified that:

"you will be allowed thirty days from date hereof within which to file with this office, for transmission to the Department, such data as will enable the Department to identify upon its records the cases in which said motions are intended to be filed, and, if possible, the dates of the decision of the Commission to the Five Civilized Tribes in each case, the number of the case, and the dates of Departmental action therein."

You are advised that no response has been made by Blue & Bulger to this office letter.

Reference is made to Departmental letter of February 17, 1906 (I.T.D. 1869-1906), "Referring to Departmental letter of January 24, 1906, you are advised that a motion for rehearing has been filed in the Cherokee freedman case of Jesse Vann, et al."

Respectfully,

Acting Commissioner.

15

Through the

Commissioner of Indian Affairs.

Muskogee, Indian Territory, April 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith "reply of Cherokee Nation to motion for a new trial" in the Cherokee Freedmen enrollment cases of Jesse Vann, et al. The records of this office show that no motion for a rehearing in these cases has been forwarded to the Department through it.

The decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the applicants embraced in the Cherokee Freedmen consolidated cases of Jesse Vann, et al. (V. D-244, et al.), was affirmed by the Department on May 11, 1904 (I.T.D. 2412-1904).

On December 19, 1905 (I.T.D. 18634-1905), the Department denied a motion filed by J. J. Bulger to reopen these cases, and on January 24, 1906 (I.T.D. 2412-1904, 8349, 8411, 8423, 8547, 8736-1905), the Department denied a motion for review in these cases filed September 7, 1905, by Blue & Bulger and McGowan, Serven & Mehun. In the Department's latter letter it advised

that at the same time the motion for review was filed said attorneys filed separate "motions for review of decision," and directed this office to advise Blue & Bulger that unless sufficient data was furnished the Department within thirty days from notice to enable it to identify the cases the motion would be dismissed.

On February 17, 1906 (I.T.P. 1863-1906), the Department, referring to its letter of January 24, 1906, advised that a motion for rehearing had been filed in the Cherokee freedmen case of Jesse Vann, et al.

Respectfully,

Incl. 6-41

Acting Commissioner.

Through the

Commissioner of Indian Affairs.

Muskogee, Indian Territory, April 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of April 14, 1906 (I.T.D. 2412-1904, 4664-1906, 1869, 4694, 6246-1906), stating that the Department has considered a motion for rehearing in the Cherokee freedman case of Jesse Vann, et al., William Vann, et al., Nettie Eaton, and Daniel Lynch, et al., in which the Department on May 11, 1904, affirmed the decision of the Commission to the Five Civilized Tribes adverse to the claimants except Hannah and Annie Vann. The Department considers the showing made sufficient to warrant a rehearing, and rescinds its said decision except as to Hannah and Annie Vann, and remands the case to this office for rehearing and readjudication. The Department further states that this action disposes of a motion for review in this case filed September 7, 1905, of which this office was advised January 15 and 24, 1906.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting the application for the enrollment of Hannah and Annie Vann, and rejecting the applications for the enrollment of

Secretary--2.

Jesse, Frank, Riley, Lovat, and William Vann, Nettie Eaton, and Daniel, Mary, Arthur, and Lucine Lynch, as Cherokee freedmen, was on May 11, 1904 (I.T.D. 2412-1904), duly affirmed by the Department.

The Department on December 19, 1905 (I.T.D. 16634-1905), advised this office that it had considered a motion for review in these cases filed by J. J. Fulger with letter of November 20, 1905, and that there were attached to the motion a number of affidavits, copies of which did not appear to have been served upon the Attorneys for the Cherokee Nation; that said affidavits would not be considered by the Department upon motion for review, and that as a basis for a motion for rehearing such affidavits would receive consideration if copies were served upon the Attorneys for the Cherokee Nation. The Department stated that in that motion it was sought to show that Stephen Lynch, father of Jesse Vann, and with whom Jesse Vann and most of the principal applicants claim to have returned to the Cherokee Nation from Kansas, returned within the time specified in the Treaty of 1846. The Department further stated that the record in the case shows that on June 8, 1871, the Supreme Court of the Cherokee Nation rendered a decision against Stephen Lynch and family as Cherokee freedmen holding that they did not return to the Cherokee Nation within the time required, and referring to the approved opinion of the Assistant Attorney-

Secretary--3.

General of October 8, 1905, the motion was denied for the reason that no allegation of fraud in the procurement of the decision of June 8, 1871, adverse to Lynch, was made, and because the evidence properly before the Department did not show that said decision was erroneous.

The Department in its letter of January 24, 1906 (I.T.D. 2412-1904, 8349, 8411, 8423, 8547, 8735-1905), advised this office that a "motion for review of the decision of the Commission to the Five Civilized Tribes in this case (Jesse Vann, et al., William Vann, et al., Tom Eaton, et al., and Daniel Lynch, et al.), filed September 7, 1905, by Blue & Bulger and McGowan, Serren & Mohun," "presents no question of fact or law not heretofore considered and is therefore hereby denied;" and that on the same date, September 7, 1905, said Attorneys filed separate "motions for review of decision" in these cases, and instructed this office to advise Blue & Bulger that they would be allowed thirty days within which to furnish the Department sufficient data to enable it to identify the cases, and on February 17, 1906 (I.T.D. 1849-1906), the Department referring to its letter of January 24, 1906, advised that a motion for rehearing had been filed in the Cherokee Freedman case of Jesse Vann, et al.

Secretary--4.

The motion upon which the Department ordered a rehearing is made by J. J. Bulger and is based upon the ground of "newly discovered" evidence. From a careful reading of the motion it appears that the newly discovered evidence is the testimony of witnesses introduced by the applicants in the Cherokee freedman enrollment case of Bertha Bean (an applicant in the Cherokee freedman case of Jacob Bean, et al. D 393), before this office on December 7 and 21, 1905, and the manner in which the Supreme Court of the Cherokee Nation conducted its proceedings. The motion is supported by the testimony introduced on behalf of applicants December 7, 1905, in the Bean case, and it is worthy of notice that the testimony introduced before this office on behalf of applicants December 21, 1905, and also on that date on behalf of the Cherokee Nation, is not attached to the motion. It is stated in the motion that the testimony taken on the latter date is not attached, and that "we have not been supplied with a copy of this testimony." The motion is shown to have been sworn to on February 1, 1906, and the records of this office show that on January 10, 1906, a copy of said testimony was forwarded to J. J. Bulger, also attorney in the Bean case, at Vinita, Indian Territory. It is also noted that a great part of the motion is devoted to argument as to why the testimony introduced on behalf of ap-

Secretary--5.

plicants in the Bean case is not at variance with, or broken down by, the testimony introduced in that case on the part of the Cherokee Nation, and to an excuse and accounting for the presence of Stephen Lynch in the State of Kansas, as was testified to by the witnesses introduced by the Nation, during the year 1867.

On March 3, 1906, this office rendered a decision in the Cherokee freedman case of Jacob Bean, et al. (D 393), which case included the applicant, Bertha Bean, and held that Steve (Stephen) Lynch and his wife, Peggie Lynch, deceased, "lived in the State of Kansas continuously from the fall of 1862 to the fall of 1867," and the decision, together with the record of proceedings had in said case, was on that date forwarded to the Department where it is now pending.

It appears that the contention in the Jesse Vann case is the same as in the Bertha Bean case, i. e., as to the date of the return to the Cherokee Nation after the war of Stephen Lynch and family. The motion in the Vann case on which the Department took favorable action is supported, in addition to the testimony taken on December 7, 1905, in the Bean case, by only the affidavits of Simon Lynch and Jackson Davis. Simon Lynch testified at length in the Bean case on December 7, 1905, and the records of this office show that on September 29, 1905, the Commissioner rendered his decision in

Secretary--6.

the Cherokee freedman consolidated case of Jackson Davis et al. (D 453 et al.), holding that Jackson Davis did not return to the Cherokee Nation within the time specified in the Treaty of 1866. The Docket of the Supreme Court of the Cherokee Nation for the year 1871, No. 58, page 35, shows that Jack Davis, immediately following the docket entry of the case of Stephen Henry Lynch and family, was decided against on June 8, 1871. In addition to the testimony of Jackson Davis and the witnesses introduced by him in his case, being very contradictory, it seems clearly established from a combination of circumstances brought out in his case that he did not comply with the terms of said Treaty. The decision of the Commissioner in the Davis case, together with the record of proceedings had therein, was forwarded to the Department on September 30, 1905.

An examination of the different motions for review and rehearing filed in the consolidated cases of Jesse Vann, et al., shows that affidavits by the following persons are filed in support thereof: Millie Frye, Tobias Bean, Eliza Tucker, Andy Frye (2), Columbus McHair, Simon Lynch, Jesse Vann (applicant), Anderson Lynch (2), Elias Downing, and George Downing. Millie Frye, Tobias Bean, Eliza Tucker, Andy Frye, Columbus McHair, Simon Lynch, and Anderson Lynch testified in the Jacob Bean case, supra, and in the cases of Jesse Vann and those consolidated with it Anderson Lynch has testified four times.

Secretary--7.

On December 16, 1904, the Commission to the Five Civilized Tribes rendered its decision in the Cherokee freedman consolidated cases of Elias Downing, et al. (D 245 et al.), in which it held that Elias Downing did not return to the Cherokee Nation within the time specified in the Treaty of 1866. Said decision was on January 7, 1905, forwarded to the Department, and on March 16, 1905 (Land 2224, 10111-1905), the Indian Office in transmitting the decision and record to the Department recommended that the Commission's decision adverse to, among others, said Elias Downing be approved. On March 19, 1906 (I.T.D. 2686, 17856, 8523, 8345-1905), the Department denied three motions for "review" and "rehearing" in the case of Elias Downing and others, and stated that "in view of contemplated legislation the same as to the other claimants (as to whom the Commission's decision was adverse), will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing." No further action has been taken by the Department in the case.

It appears, therefore, that the only witness whose testimony it has been sought to introduce and who has not testified in the Vann or Bean cases, or who has not been denied enrollment by this office and the Commission, is George Downing, a Cherokee citizen "by birth and blood," who is a party to an affidavit filed in support of the motion for review in the Vann

case denied by the Department January 24, 1904 (I.T.D. 5722-1904).

Secretary--8.

The affidavit of George Downing is sworn to September 2, 1904, and his age is given in the affidavit as 55 years. The records of this office show that the only George Downing enrolled as a citizen by blood of the Cherokee Nation, or who is an applicant for enrollment as such, who could possibly be the affiant, is George B. Downing, whose name appears upon the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 25066. Said George B. Downing made personal application for enrollment on November 27, 1900, and gave his age at that time as 43 years. The correctness of his statement as to his age is corroborated by his enrollment upon the 1850 Cherokee roll as 21 years, and upon the 1896 roll as 38 years. If the party to the affidavit is identical with this George B. Downing, the facts happening during the year 1866 about which he could testify must have occurred when he was about 9 years of age.

On April 13, 1906, this office transmitted to the Department "reply of Cherokee Nation to motion for a new trial" in the case of Jesse Vann, et al. There was attached to the Nation's reply a copy of certain testimony taken December 21, 1905, on part of the Nation, in the Bean case. The Nation protested against the motion being granted for the reason that it was not shown that with due diligence the evidence sought to be introduced could not have been secured at the time of the original hearing in the case, and further that the record shows

Secretary--9.

that the motion is without merit. The Department's action on the motion was taken before the Nation's reply reached it.

A rehearing in this case would be very expensive to the claimants, as well as to the Cherokee Nation, and a useless expenditure of a large amount of money by all parties should, if possible, be prevented. It is believed that the motion for rehearing, when considered in connection with the Nation's reply, and the facts herein contained, will be denied by the Department, and all the papers inclosed with the Department's letter of April 14, 1906, are returned herewith, and it is respectfully recommended that the motion be reconsidered.

For the convenience of the Department there is inclosed herewith a copy of the testimony taken December 21, 1905, in the Bean case herein referred to.

Respectfully,

Incl. OL-60.
GHL

Commissioner.

Through the Commissioner
of Indian Affairs.

(COPY)

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
39595-1906 .
76228-1906.

October 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of Tams Bixby, Commissioner to the Five Civilized Tribes, who acknowledges the receipt of Departmental letter of April 14, 1906 (I.T.D.2412-1904, 4664-1905, 1869 4894 and 5246-1906), saying that the Department has considered a motion for rehearing in the Cherokee freedman case of Jesse Vann, et al., William Vann, et al., Nettie Eaton and Daniel Lynch et al., in which the Department, on May 11, 1904, affirmed the decision of the Commission to the Five Civilized Tribes adverse to the claimants, except Hannah and Annie Vann.

He finds from this letter that the Department considers the showing made sufficient to warrant a rehearing, and rescinds its decision except as to Hannah and Annie Vann, and remands the case to his office for rehearing and readjudication saying that this action disposes of the motion for review

in this case filed September 7, 1905, of which his office was advised on January 15 and 24, 1906.

The Commissioner reports that the records of his office show that the decision of the Commission of July 10, 1903, granting the application for the enrollment of Hannah and Annie Vann and rejecting the applications for the enrollment of Jesse, Frank, Riley, Lovatt and William Vann, Nettie Eaton, and Daniel, Mary, Arthur and Lucine Lynch, as Cherokee freedmen, was, on May 11, 1904 (I.T.D. 2412-1904), duly affirmed by the Department.

He further says that the Department, on December 19, 1905 (I.T.D. 16634-1905), advised his office that it would consider a motion for review in these cases filed by J. J. Bulger with letter of November 20, 1905, and that there were attached to the motion a number of affidavits, copies of which did not appear to have been served on the attorneys for the Cherokee Nation; that the affidavits would not be considered by the Department on motion for review and that as a basis for a motion for rehearing such affidavits would receive consideration if copies were served on the attorneys for the Cherokee Nation; that it was further announced that in the motion it was sought to show that Stephen Lynch, father of Jesse Vann, and with whom Jesse Vann and most of the principal applicants claim to have returned to the Cherokee Nation from Kansas, returned within the time specified in the treaty of 1866; that the record in the case shows that on June 8, 1871, the Supreme

Court of the Cherokee Nation rendered a decision against Stephen Lynch and family as Cherokee freedmen, holding that they did not return to the Cherokee Nation within the time required, and referring to the approved opinion of the Assistant Attorney General of October 5, 1905. The motion was denied for the reason that no allegation of fraud in the procurement of the decision of June 8, 1871, adverse to Lynch, was made, and because the evidence properly before the Department did not show that the decision was erroneous.

He further quotes the Department as saying in its letter of January 24, 1906 (I.T.D. 8349, 8411, 8413, 8547, 8735-1905) that the "motion for review of the decision of the Commission to the Five Civilized Tribes in this case (Jesse Vann, et al., William Vann, et al., Tom Eaton, et al., and Daniel Lynch et al.), filed September 7, 1905, by Blue & Bulger and McGowan, Serven & Mohun, . . . presents no question of fact or law not heretofore considered and is therefore denied;" that on the same day, September 7, 1905, the attorneys filed separate "motions for review of decision" in these cases and the Commissioner was instructed to advise Blue & Bulger that they would be allowed 30 days within which to furnish the Department sufficient data to enable it to identify the cases, and on February 17, 1906 (I.T.D. 1869-1906), the Department referring to its letter of January 24, 1906, notified the Commissioner that a motion for rehearing had been filed in the Cherokee freedman case of Jesse Vann, et al.

The Commissioner further says that the motion on which the Department ordered a rehearing is made by J J. Bulger and is based on the ground of newly discovered evidence; that from a careful reading of the motion it appears that the newly discovered evidence is the testimony of witnesses introduced by the applicants in the Cherokee enrollment case of Bertha Bean(an applicant in the Cherokee freedman case of Jacob Bean et al.) before the Commissioner's office on December 7, and 21, 1905, describing the manner in which the Supreme Court of the Cherokee Nation conducted its proceedings; that the motion is supported by the testimony introduced on behalf of applicants on December 7, 1905, in the Bean case; that it is worthy of notice that the testimony introduced before the Commissioner on behalf of the applicants on december 21, 1905, and also on that date on behalf of the Cherokee Nation, is not attached to the motion, and that it is declared in the motion that the testimony taken on the latter date is not attached, and that "we have not been supplied with a copy of this testimony" The Commissioner finds that the motion is shown to have been sworn to on February 1, 1906, and that the records of his office show that on January 10, 1906, a copy of the testimony was forwarded to J. J. Bulger, also attorney in the Bean case, at Vinita, Indian Territory. The Commissioner further notes that a great part of the motion is devoted to argument as to why the testimony introduced on behalf of the applicants in the Bean case is not at variance with or broken down by the testi-

mony introduced in that case on the part of the Cherokee Nation and to an excuse and accounting for the presence of Stephen Lynch in the State of Kansas, as was testified to by the witnesses introduced by the Nation during the year 1867. Mr. Bixby also says that on March 3, 1906, he rendered a decision in the Cherokee freedman case of Jacob Bean et al., which included the applicant, Bertha Bean, and held that Steve (Stephen) Lynch and his wife, Peggie Lynch, deceased, "lived in the State of Kansas continuously from the fall of 1862 to the fall of 1867;" and the decision, together with the record of proceedings had in the case, was on that date forwarded to the Department where it is now pending.

The Commissioner further finds that the contention in the Jesse Vann case is the same as in the Bertha Bean case, that is, as to the date of the return to the Cherokee Nation after the war of Stephen Lynch and family; that the motion in the Vann case on which the Department took favorable action is supported, in addition to the testimony taken on December 7, 1905 in the Bean case, by only the affidavits of Simon Lynch and Jackson Davis, that Simon Lynch testified at length in the Bean case on December 7, 1905, and the records of the Commissioner's office show that on September 29, 1905, he rendered his decision in the Cherokee freedman consolidated case of Jackson Davis, et al., holding that Jackson Davis did not return to the Cherokee Nation within the time specified in the treaty of 1866; that the docket of the Supreme Court of the

Cherokee Nation for the year 1871 (No. 58, Pg. 35), shows that Jack Davis, immediately following the docket entry of the case of Stephen Henry Lynch and family, was decided against on June 8, 1871; that in addition to the testimony of Jackson Davis and the witnesses introduced by him in this case being very contradictory it is in the judgment of the Commissioner clearly established from the combination of circumstances brought out in his case that he did not comply with the terms of the treaty, and he invites attention to the fact that his decision in the Davis case, together with the record of proceedings had therein was forwarded to the Department on September 30, 1905.

An examination of the different motions for review and rehearing filed in the consolidated cases of Jesse Vann, et al., in the judgment of the commissioner shows that affidavits by the following persons are filed in support thereof: Millie Frye, Tobias Bean, Eliza Tucker, Andy Frye (2) Columbus McNair, Simon Lynch, Jesse Vann (applicant), Anderson Lynch (2), Elias Downing, and George Downing. Millie Frye, Tobias Bean, Eliza Tucker, Andy Frye, Columbus McNair, Simon Lynch, and Anderson Lynch testified in the Jacob Bean case, supra, and in the cases of Jesse Vann and those consolidated with it Anderson Lynch has testified four times.

The Commissioner adds that on December 16, 1904, the Commission to the Five Civilized Tribes rendered its decision in the Cherokee freedman consolidated cases of Elias Downing et al., in which it held that Elias Downing did not

return to the Cherokee Nation within the time specified in the treaty of 1866; that this decision was, on January 7, 1905, forwarded to the Department and on March 16, 1905, this office in transmitting the decision and record to the Department, recommended that the Commission's decision adverse to Elias Downing, be approved; that on March 19, 1906 (I.T.D.2686, 7856, 8523 and 8345-1905), the Department denied three motions for review and rehearing in the case of Elias Downing and others and said that "in view of contemplated legislation the case as to the other claimants (as to whom the Commission's decision was adverse) will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing", and that no further action has been taken by the Department in that case.

It appears to the Commissioner therefore that the only witness whose testimony it has been sought to introduce, and who has not testified in the Vann or Bean cases, or who has been denied enrollment by the Commission or Commissioner, is George Downing, A Cherokee citizen "by birth and blood", who is a party to an affidavit filed in support of the motion for review in the Vann case, denied by the Department on January 24, 1906 (I.T.D.8735-1905); that this affidavit of Downing was sworn to on September 2, 1904, and his age given as 55 years; that the records of the Commissioners office show that the only George Downing enrolled as a citizen by blood of

the Cherokee Nation, or who is an applicant for enrollment as such, who could possibly be the affiant, is George B. Downing, whose name appears on an approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 2566; that this George B. Downing made personal application for enrollment on November 27, 1900, and gave his age at that time as 43 years; that the correctness of his claim as to his age is corroborated by his enrollment on the 1880 Cherokee roll as 21 years and on the 1896 roll as 38 years, and that if the party to the affidavit is identical with this George B. Downing, the facts happening during the year 1866 about which he could testify must have occurred when he was about 9 years of age.

The Commissioner mentions the fact that on April 13, 1906, he transmitted to the Department a "reply of Cherokee Nation to motion for a new trial," in the cases of Jesse Vann, et al.; that there was attached to the Nation's reply a copy of certain testimony taken on December 21, 1905, on the part of the Nation, in the Bean case; that the Nation protested against the motion being granted for the reason that it was not shown that with due diligence the evidence sought to be introduced could not have been produced at the time of the original hearing in the case, and further, that the record shows that the motion is without merit. The Department's motion on the motion was taken before the Nation's reply was received.

Mr. Bixby says that a rehearing in this case would be very expensive to the claimants as well as to the Cherokee

Nation, and that a useless expenditure of a large amount of money by all parties ought, if possible, to be prevented. He believes that the motion for rehearing, when considered in connection with the Nation's reply and the facts set out in his report, will be denied by the Department, and all of the papers enclosed with the Department's letter of April 14, 1906, are returned with the recommendation that the motion be reconsidered.

For the convenience of the Department the Commissioner encloses a copy of the testimony taken on December 21, 1905, in the Bean case, to which reference has been made.

The Jacob Bean case to which the Commissioner refers, was forwarded by the Office to the Department on May 24, 1906.

There is also enclosed a letter, dated August 31, 1906, from William O. Beall, Acting Commissioner to the Five Civilized Tribes, wherein he acknowledges the receipt at the office of the Commissioner of Departmental letter of August 23, 1906 (I.T.D. 9166, 9855-1906), enclosing a letter, dated August 7, 1906, from Messrs. McGowan, Serven & Mohun, relative to Cherokee freedman cases of Jesse Vann, et al. and Nicey Vann, et al., wherein the Department refers to Office letters of April 14, 1906, and May 24, 1906, and requests a report in the matter.

Mr. Beall quotes the attorneys as saying that the case of Jesse Vann, et al. was sent to the Commissioner's

office on April 14, for a rehearing; that Messrs. Starr and Patten, of Vinita, Indian Territory, have informed them that they have not been advised of any action taken in the case, and that they also say that the Cherokee freedman case of Nicey Vann, et al., was sent to the Commissioner's office on May 24th last with a motion for rehearing, and request to be advised the status of each case.

The Acting Commissioner reports that on April 28, 1906, the Commissioner requested that the Department reconsider its action of April 14, 1906 (which letter is now being forwarded), and that a report will be made at an early date on the motions for rehearsings in the Cherokee freedman cases of Nicey Vann, et al. and Mamie Johnson, which motions were transmitted to the Commissioner by the Department on May 24, 1906. He returns the letter of McGowan, Serven & Mohun.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y.

Starr & Patten-2

short time remaining in which enrollment cases may receive consideration, in notifying the attorneys for the applicants and the nation of this action, you will suggest the necessity for an early hearing."

You are therefore , notified to furnish this office at the earliest practicable date, a list of the names and addresses of the witnesses you expect to introduce on behalf of the applicants, after which the attorney for the Cherokee Nation will be furnished a copy of the list of the names and addresses of the witnesses, and the cases will be regularly set for hearing.

Respectfully,

L M B

Commissioner

Encl. B-90

D.C. 53862.

(COPY)

JF Jr.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D. 21044-1906.

December 7, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On October 17, 1906 (Land 26226), the Indian Office transmitted your report dated April 28, 1906, suggesting, in view of your decision in the Cherokee freedman case of Jacob Bean et al., and for other reasons set forth in your communication that the Department rescind its letter of April 14, 1906, ordering a rehearing in this case and reconsider the motion for rehearing heretofore considered in the light of the facts now presented.

In view of your recommendation, the Department has this day reconsidered said motion for rehearing. It has also considered the record and a motion for rehearing in the case of Jacob Bean et al.

It appears that the affidavits in support of the motion are objected to by you, for the reason that only one person of all of those who appear as parties to these affidavits has not testified in this case or been denied enrollment by you.

A careful consideration of the facts presented leads the Department to the belief that sufficient question is presented

by the motion for rehearing to warrant the rehearing heretofore ordered.

The papers in the case are therefore returned and you are directed to consolidate the case of Jesse Vann et al. and Bertha Bean et al., and permit the applicants and the nation to present such testimony as you may deem proper in connection with the return of Stephen Henry Lynch to the Cherokee Nation prior to February 11, 1867, and with reference to the regularity of those proceedings upon which decision of the supreme court of the Cherokee Nation dated June 8, 1871, in regard to said Stephen Henry Lynch are based.

By reason of the short time remaining in which enrollment cases may receive consideration, in notifying the attorneys for the applicants and the nation of this action, you will suggest the necessity for an early hearing.

Respectfully,

Thos. Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

10 inclosures.

Cherokee Freedmen
R 302 et al.

Muskogee, Indian Territory, December 17, 1906

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear sir:

There is enclosed a copy of Departmental decision of December 7, 1906, remanding for rehearing and readjudication the Cherokee freedmen cases of Jesse Vann et al., and Jacob Bean et al., said cases to be consolidated. The attorneys for the applicants have been requested to furnish this office at the earliest practicable date, a list of the names and addresses of the witnesses they propose to introduce on behalf of the applicants. Upon receipt of the same you will be furnished a copy thereof, after which the cases will be set for hearing, of which action the parties at interest will be notified.

Respectfully,

L M B

Commissioner

Encl. B-89

Muskogee, Indian Territory, December 17, 1906

Daniel Lynch,

Vinita, Indian Territory.

Dear sir:

You are advised that on December 7, the Cherokee freedman case of yourself, your wife, Mary, and children Arthur and Lucine Lynch, was remanded by the department to this office for rehearing, and this office directed to "permit the applicants and the nation to present such testimony as you may deem proper in connection with the return of Stephen Henry Lynch to the Cherokee Nation prior to February 11, 1867, and with reference to the regularity of those proceedings upon which decision of the supreme court of the Cherokee Nation dated June 8, 1871, in regard to said Stephen Henry Lynch are based."

Your attorneys, Starr & Patten, Vinita, Indian Territory, have this day been advised of the department's action and directed to furnish this office, at the earliest practicable date, a list of the names and addresses of

Daniel Lynch-2

the witnesses they propose to introduce, upon receipt of which a copy of the same will be furnished the Attorney for the Cherokee Nation, after which your case will be regularly set for hearing, of which action all parties at interest will be notified.

Respectfully,

L M B

Commissioner

Vinita, I. T., December 26, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Dear Sir:

We beg leave to submit, as a list of the witnesses whom we intend to use in the trial of the Cherokee Freedman Citizenship case of Jesse Vann et al., the following named persons, to-wit:-

Thomas Barwick, Pheasanton, Kansas.

William Paginton, Centerville, Kansas.

John W. Thompson, Farlinville, Kansas.

Don Robinson, Prescott, Kansas.

J. D. Mc. Rae, Goodrich, Kansas.

Sarah Fine, Pleasanton, Kansas.

Simon Lynch, Chaffe, I. T.

Tobias Bean, Chaffe, I. T.

Arthur Bean, Chaffe, I. T.

Leander Bean, Vinita, I. T.

Nelson Moore, Ketchum, I. T.

Joe Davis, Vinita, I. T.

Jackson Davis, Chaffe, I. T.

Sam Webber, Lenapah, I. T.

Daniel Sanders, Centralia, I. T.

Blue Thompson, Chetopa, Kansas.

Jerry Fields, Taft, I. T.

Stick Ross, Tahlequah, I. T.

Yours truly,

(Signed) Starr & Patton.

Vinita, I. T., December 26, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sir:

We beg leave to submit, as a list of the witnesses whom we intend to use in the trial of the Cherokee Freedman Citizenship case of Jesse Vann et al., the following named persons, to-wit:-

Thomas Barwick, Pleasanton, Kansas.

William Paginton, Centerville, Kansas.

John W. Thompson, Farlinville, Kansas.

Den Robinsen, Prescott, Kansas.

J. D. Mc. Rae, Goodrich, Kansas.

Sarah Fine, Pleasanton, Kansas.

Simon Lynch, Chaffe, I. T.

Tobias Bean, Chaffe, I. T.

Arthur Bean, Chaffe, I. T.

Leander Bean, Vinita, I. T.

Nelson Moore, Ketchum, I. T.

Joe Davis, Vinita, I. T.

Jackson Davis, Chaffe, I. T.

Sam Webber, Lenapah, I. T.

Daniel Sanders, Centralia, I. T.

Blue Thompson, Chetopa, Kansas.

Jerry Fields, Taft, I. T.

Stick Ross, Tahlequah, I. T.

Yours truly,

(Signed) Starr & Patten.

Cherokee Freedmen
R 301

Muskogee, Indian Territory, December 29, 1906

Daniel Lynch,

Vinita, Indian Territory.

Dear Sir:

This office is in receipt of a letter from your attorneys, Starr & Patten, Vinita, Indian Territory, giving a list of the names and addresses of the witnesses they propose to introduce in support of your application for the enrollment of yourself and children as Cherokee Freedmen.

You are hereby advised that you will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office in Muskogee, Indian Territory, on Thursday, January, 10, 1907, and introduce the testimony of these witnesses in your behalf.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in your case.

Respectfully,

L M R

Commissioner

Cherokee Freedmen
R 302 et al.

Muskogee, Indian Territory, December 29, 1906

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of the letter of Starr & Patten, attorneys for applicants, giving the names and addresses of the witnesses proposed to be introduced on behalf of applicants in the Cherokee freedmen cases of Jesse Vann et al.

The applicants and their attorneys, have been this day notified that they will be permitted to appear before the Commissioner at his office in Muskogee, Indian Territory, on Thursday, January 10, 1907, at nine o'clock A. M., and introduce the testimony of these witnesses in support of their applications for enrollment as Cherokee freedmen. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in said cases.

Respectfully,

Encl. B-18

Commissioner

Cherokee Freedmen
R 302 et al

Muskogee, Indian Territory, December 29, 1906

Starr & Patton,

Attorneys for Jesse Vann, et al.

Gentlemen:

Receipt is acknowledged of your letter of December 26, 1906, enclosing a list of the names and addresses of the witnesses proposed to be introduced on behalf of the applicants in the Cherokee freedmen consolidated case of Jesse Vann et al.

You are hereby advised that you will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office in Muskogee, Indian Territory, at nine o'clock, A. M., on Thursday, January 10, 1907, and introduce the testimony of the witnesses whose names you have given, in support of the applications of Jesse Vann et al., for enrollment as Cherokee freedmen.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in said consolidated case.

Respectfully,

L M B

Commissioner

Cherokee
R 301

Muskogee, Indian Territory, February 23, 1907.

Daniel Lynch,

Vinita, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting, among others, the application for the enrollment of yourself, wife and children as Cherokee freedmen. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in the case, and there has this day been forwarded them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H-93
JMH

Commissioner.

Register.

Cherokee F.
R 302 et al.

Muskogee, Indian Territory, February 23, 1907.

Starr & Patten,

Attorneys for Jesse Vann, et al.,

Vinita, Indian Territory.

Gentlemen:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the applications for the enrollment of Jesse Vann, et al., as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H-96
JMM

Commissioner.

Cherokee F.
R 302 et al.

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the applications for the enrollment of Jesse Vann, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the matter, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H-95
JMH

Commissioner.

Muskogee, Indian Territory, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Jesse Vann, et al. (R 302 et al), as Cherokee freedmen, together with the decision of the Commissioner, dated February 23, 1907, denying the applications for the enrollment of Jesse Vann, William Vann, Nettie Eaton, Daniel, Mary, Arthur and Lucine Lynch, Jacob and Bertha Bean, and Willie Vann as Cherokee freedmen.

On December 7, 1906 (I.T.D. 21044-1906), the Department ordered the case of Jesse Vann, et al. consolidated with the case of Bertha Bean, et al., and remanded the case to this office for rehearing and readjudication.

Respectfully,

Encl. H-97
JMH

Commissioner.

Through the Commissioner
of Indian Affairs.

LAND
19717-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

(COPY)

WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 23, 1907, enclosing record of proceedings had in the matter of the application for the enrollment of Jesse Vann, et al., as Cherokee Freedmen, including his decision, dated February 23, 1907, denying the applications for the enrollment of Jesse Vann, William Vann, Nettie Eaton, Daniel, Mary, Arthur and Lucine Lynch, Jacob and Bertha Bean, and Willie Vann, as Cherokee freedmen.

On December 7, 1906 (I.T.D. 21044-1906), the Department ordered the case of Jesse Vann, et al., consolidated with the case of Bertha Bean, et al., and remanded it to the Commissioner for a re-hearing and re-adjudication.

The record transmitted includes the original record, together with the decision of the Commission and the record on re-hearing.

The evidence shows that Jesse Vann, William Vann and Jacob Vann were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and left the Cherokee Nation during the progress of the War and did not return thereto and establish an actual, personal bona fide residence therein until subsequent to February 11, 1867. It is further shown that Nettie Eaton and

Daniel Lynch were born subsequent to 1866, and are descendants of Steve and Peggy Lynch, and derive such rights as they may have through their ancestors, who were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and it is shown that they left the Cherokee Nation during the War and did not return thereto until subsequent to February 11, 1867.

The record also shows that Bertha Bean was born since 1866; is the daughter of Jacob Bean and Judie Bean; that Judie Bean was born in Kansas during the Rebellion, and is the daughter of Steve and Peggy Lynch, and returned to the Cherokee Nation with her parents when they returned thereto subsequent to February 11, 1867. Bertha Bean, therefore, possesses no right to enrollment not possessed by her parents.

Willie Vann is a minor son of Bertha Bean, and claims the right to enrollment as a descendant of his mother, and also as a descendant of his alleged father, Samuel Vann. It is also shown that the allegation that Willie Vann is the son of Samuel Vann is denied by Samuel Vann, and under the rulings of the Department in the case of Frank A. Grinnett (I.T.D. 1790-1906), Willie Vann possesses no right to enrollment as a descendant of his alleged father.

Mary Lynch is shown to have been born since 1866; is the daughter of one Nancy Ross, and has no right to enrollment as a Cherokee freedman other than as such descendants. Nancy Ross was the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and left the Nation during the War, and it

is shown that she did not return thereto until subsequent to February 11, 1867.

The evidence further shows that the minor applicants, Arthur and Lucine Lynch, are minor children of Daniel and Mary Lynch, and possess no right to enrollment as Cherokee freedmen not possessed by their parents.

Excepting on the Kern-Clifton and Wallace rolls, none of the applicants can be identified on any of the rolls of the Cherokee Nation in the possession of the office of the Commissioner. The evidence taken on the new hearing has been carefully examined and compared, and the Office is of the opinion that while it is not necessary to review it at length, that it conclusively shows that the decision of the Commissioner in denying the enrollment of the above named applicants is correct, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EVL-SD

D.C. 13313-1907.

CRW
RJH

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 7572-1907
7546- "

March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

Your decision of February 23, 1907, adverse to the applicants, in the matter of the applications for the enrollment of Jesse Vann, et al., as Cherokee freedmen, is hereby affirmed. A copy of Indian Office letter of March 1, 1907 (Land 19717), submitting your report of February 23, and recommending that your decision be affirmed, is inclosed.

A copy hereof and all the papers in the case have been sent to the Indian Office.

Respectfully,

(Signed)

E. A. Hitchcock,

Secretary.

1 inc. and 5 incs.
for Ind. Off.

W.C.F. 3-4-07.

Cherokee F.
301

COPY

Wahkago, Indian Territory, March 23, 1907.

Daniel Lynch,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting, among others, the application for the enrollment of yourself, wife and children as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

Wm. L. Davis

Commissioner.

JMH

Cherokee F.
R 501, et al.

COPY

Muskogee, Indian Territory, March 25, 1907.

Starr & Patton,

Attorneys for Jesse Vann, et al.,

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the applications for the enrollment of Jesse Vann, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED: *Samuel J. Cox*

Commissioner.

Encl. H-3
JMK

Cherokee F.
B 302, et al.

CCNY

Muskogee, Indian Territory, March 23, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the applications for the enrollment of Jesse Vann, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

W. D. James

Commissioner.

Encl. H-4
JMH

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

16 1901



ACTING CHAIRMAN

R

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

May 16, 1901

Post Office

Vinita, I.T.

District

Saline

1. Name

Daniel Lynch

Age 29

Owner's name

Citizenship

Year

K.C. Page 159 No. 3927 District Co.

Parents:

Father

Steven Lynch - dead

Citizenship

Mother

Peggy - dead

Citizenship

2. Name of wife

Mary Lynch

Age 25

Owner's name

Citizenship

Year

K.C. Page 152 No. 3762 District Co.

Parents:

Father

Doubtful

Citizenship

Mother

Nancy Ross - living

Citizenship

Names of Children:

3.

Arthur Lynch

Year

Page

No.

Dist.

4.

Lucine "

Year

Page

No.

Dist.

5.

Year

Page

No.

Dist.

6.

Year

Page

No.

Dist.

7.

Year

Page

No.

Dist.

8.

Year

Page

No.

Dist.

9.

Year

Page

No.

Dist.

10.

Year

Page

No.

Dist.

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

Mr. 1

Stenographer

Bl. Jones

1 On Wallace roll Page 21 * 2552 - Saline

2 On K.C. roll as Mary Ross

3 and 4 Affidavits of birth to be supplied

Mellette and Smith, Atty. for applicants.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Daniel Lynch,
Vinita, I. T.
Cherokee F-2-516.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

11949

297
297



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

SEP 27 1903



Daniel Lynch,
Winita, Indian Territory.

[Handwritten signature]

326
289

UNCLAIMED.



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mr. Daniel Lynch,
Winita, Indian Territory.

4096

*noted
9/27/03*



79 316

Cherokee Land Office, Tahlequah.

Advising that under the Cherokee
agreement no one whose name does not
appear on roll of citizens, prepared
by the Commission, shall be entitled
to participate in the distribution of
the common property of
the Cherokee tribe.

Daniel Lynch,

Winita,

Indian Territory.



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Penalty for private use, \$300.



Cher. Fr. R. 302

Cher. Fr. R. 302

Part #1

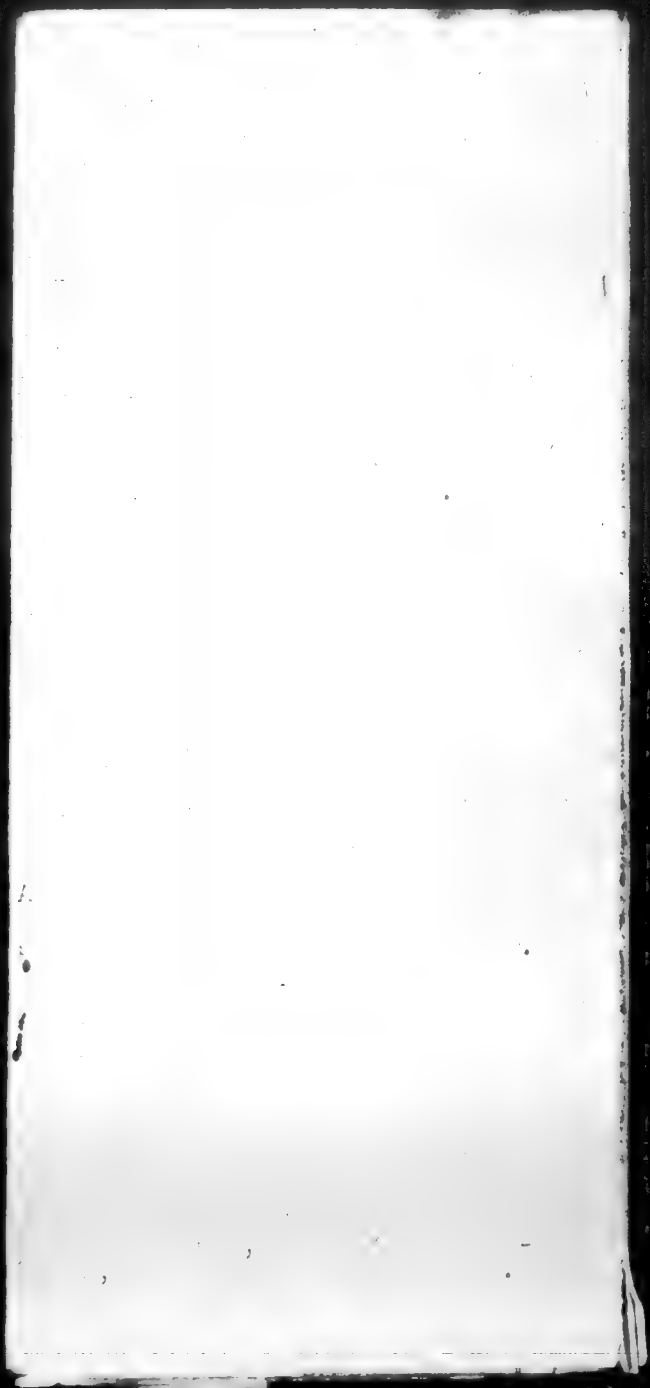
498202

RECEIVED

DEC

1

No 1- 14913



In the matter of the application for the enrollment of Jesse Vann et al
as Cherokee Freedmen.

State of Kansas

County of Lyon ss.

Proof of Service.

Personally appeared before me the undersigned Notary Public within
and for the County and State aforesaid, Thomas Barwick who being by me
duly sworn on his oath deposes and says:

"My name is Thomas Barwick, my age is 62 years and my post office is
Pleasanton, Kansas. I was acquainted with Stephen Lynch and I knew him
in the fall of 1866 when he was living on the Emerson place near
Farlinville, Kansas. I was working for Surveyor Emerson, and Stephen
Lynch and his family were living on the farm of Surveyor Emerson. Along
in the latter part of October, 1866 Surveyor Emerson sent Stephen Lynch
to Fort ~~Scott~~ Scott Kansas with a load of corn, and Stephen sold the
corn and instead of returning home he ~~came~~ ^{went} to the Cherokee Nation
Indian Territory. He came back to the Emerson place that same year, in
1866 and got his family and effects and moved to the Cherokee Nation. He
was gone until late in the spring of 1867, when he and his wife Peggy, and
Jesse and William came back with their team and a few tools, and a few
supplies, and in the latter part of the spring of 1867 they put in a
crop on the Emerson place, and in the fall of 1867 Stephen Lynch sold
his corn crop and took his family and went back to their home in the
Cherokee Nation. When he came back up here in the spring of 1867 he claimed
that he had bought him a house and a little farm in the Cherokee Nation
and claimed that he had left his household goods and personal effects in
his house in the Cherokee Nation and had come back with enough of his
tools to make a crop hereas he had one more year time on his lease on the
Emerson place. His return to Kansas in the late spring of 1867 was of a
Temporary nature for the purpose of putting in a crop. Stephen Lynch
reported as soon as he came back to Kansas in the fall of 1866 after his
family, that he had bought him a house and farm in the Cherokee Nation
and that he was moving to his new home.

Thomas Barwick

Subscribed and sworn to before me this 22nd day of November, 1904.

Wm. J. Jones
Nov 22 1904

W. J. Jones
Notary Public.

IN THE MATTER OF THE ENROLLMENT OF CITIZENS OF THE CHEROKEE NATION.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. }

ss. Proof of Service.

J. C. Starr
of lawful age, being duly sworn, says that
he deposited in the United States Postoffice, at Vinita, Indian Territory, an envelope to be duly registered
containing a copy of the Argument or Instrument hereto attached. Said envelope to be duly registered
to W. W. Hastings Attorney for the Cherokee Nation
at Muskogee I. T., as shown by the receipt of the postmaster
hereto attached. Which said postoffice is shown ~~by the records of the Attorneys for the Cherokee Nation~~
to be the postoffice of the party to whom said envelope was mailed.

Subscribed and sworn to before me this 1st
Commission Expires Dec. 4, 1909

day of December 1909.

J. C. Starr
C. A. Mink
Notary Public.

11/15/82

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frank Vann, et al., as Cherokee Freedmen, F. D. 254.

Protest of the Cherokee Nation Against Motion to
Reopen.

The record in this case shows that these children were applied for through their father, Jesse Vann, and all were rejected by the Commission to the Five Civilized Tribes on July 10, 1903, and this decision was affirmed by the Department on May 11, 1904. There is nothing in the motion that would entitle the applicants to a rehearing. There is no allegation that there is any error in law, nor is there any allegation that there is any newly discovered testimony.

We submit, therefore, that the motion should be denied.

Respectfully submitted,

[Signature]
Attorney for the Cherokee Nation.
H.M.V.

674302

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Frank Vance
for enrollment as citizens of the Cherokee Nation.

No. F10,254

United States of America,) ss. Affidavit to Show Service.
Indian Territory,)
Western District.)

This day personally appeared before me the undersigned a Notary Public within and for the Western District of the Indian Territory, H. M. Vance, who being by me first duly sworn on oath states, that his age is 27 years and that his postoffice is Muskogee, Indian Territory, and that on the 18th day of June, 1906, he deposited in the United States post-office at Muskogee, Indian Territory, an envelope containing a true copy of the instrument attached and he hereto attaches the receipt of the postmaster at said postoffice showing that he received said package to be duly registered and mailed to Starr & Patten, whose postoffice address is Vinita, Indian Territory.

H. M. Vance

Subscribed and sworn to before me this the 19th day of June, 1906.

Edward Miller
Notary Public.

My Com. Ex. *July 8-1910*

Letter No. 3448 P. O., Muskogee, Ind. T.
Parcel
Received for registration 6-18-1906 from
addressed to *Starr & Patten*
Postmaster, per
tax postage prepaid

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jesse Vann, et al., as Cherokee Freedmen, consolidating the applica-
tions of

Jesse Vann, et al.,.....	Cherokee Freedmen	D 254
William Vann, et al.,.....	"	D 309
Nettie Eaton,.....	"	D 190
Daniel Lynch, et al.,.....	"	D 316

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission: by Jesse Vann for himself and his minor children, Frank, Riley and Lovat Vann; by William Vann for himself, his wife, Hannah Vann, and his minor child, Annie Vann; by Tom Eaton for his wife, Nettie Eaton, among others, the other parties to this application, being differently classified, are not embraced in this decision; and by Daniel Lynch for himself, his wife, Mary Lynch, and his minor children, Arthur and Lucine Lynch.

The evidence shows that William Vann, Hannah Vann and Jesse Vann were the slaves of Cherokee citizens at the commencement of the rebellion; and that they were taken out of the Cherokee Nation during the rebellion. It further shows that neither William Vann, Jesse Vann, nor their parents, Steve Lynch or Peggie Lynch, returned to said Nation until after January 19, 1867.

The evidence further shows that Nettie Eaton, Daniel Lynch and their children, above named, were all born since the commencement of the rebellion, and are descendants of the said Steve Lynch and Peggie Lynch, and have no rights as Cherokee Freedmen, except such as they may have derived through them; that Mary Riley was born since 1866, and is the daughter of one Nancy Ross, through whom she claims the right to enrollment as a Cherokee Freedman; that Nancy Ross was the slave of a Cherokee citizen at the commencement of the rebellion and was taken out of the Cherokee Nation during the rebellion, but did not return thereto until after January 19, 1867.

It does not appear that the names of any of the applicants herein are found on the 1880 authenticated Cherokee roll.

The evidence further shows that the said Hannah Vann returned to the Cherokee Nation prior to January 19, 1867, and that she has resided therein from that time up to and including the date

of her application herein. The said Annie Vann, who was born since 1866, is the daughter of Hannah Vann, and being a minor is considered to have resided since her birth with her mother.

It is, therefore, the opinion of this Commission that Hannah Vann and her minor child, Annie Vann, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1896 (30 Stats., 496); and that the applications for the enrollment of Jesse Vann, Frank Vann, Riley Vann, Levat Vann, William Vann, Nettie Eaton, Daniel Lynch, Mary Lynch, Arthur Lynch and Lucine Lynch as Cherokee Freedmen should be denied, under the provisions of said section twenty-one, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) James Pixby.
Chairman.

(SIGNED) I. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED) W. E. Stanley.
Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 10 1903

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jesse Vann, et al., as Cherokee Freedmen, consolidating the applications of:-----

Jesse Vann, et al.,	Cherokee Freedmen D 254, FR 802
William Vann, et al.,	Cherokee Freedmen D 309, FR 873
Nettie Eaton	Cherokee Freedmen D 190, " 436
Daniel Lynch, et al.,	Cherokee Freedmen D 318, " 501

MOTION FOR REHEARING.

Comes now the applicants and move the Department to grant them a re-hearing in this case.

We have heretofore filed a Motion with the Honorable Secretary of the Interior, but in view of the provision in the Act of Congress, approved April 1 26, 1906 requiring Motions for rehearings to be filed within sixty days from the approval of said act, we file this Motion in order to protect the rights of these applicants and in the event our Motion now pending in the Department is not sufficient we ask leave to file a supplemental brief and affidavits in support of this Motion.

Starr & Patten

ATTORNEYS FOR APPLICANTS.

I, W. W. HASTINGS, Attorney for the Cherokee Nation, do hereby
acknowledge Service of the foregoing Motion for rehearing on this
25th day of June, A. D., 1906.

W. W. Hastings

ATTORNEY FOR THE CHEROKEE NATION

BY H. M. Vance

P. D. 284.

No. _____

In the matter of the application
for the enrollment of Frank
Vann et al as Cherokee Freedmen.

Motion for Rehearing.

UNITED STATES OF AMERICA DEPARTMENT OF THE INTERIOR,
~~11~~ COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frank Vann et
J. C. STAMP, of lawful age, being duly sworn, on oath states
al as Cherokee Freedmen.
that he is one of the Attorneys for the applicants and that this
motion is made no ~~HEARING FOR REHEARING~~.

The Record shows that Frank Vann, Riley Vann and Lovat Vann
are the children of Jesse Vann, an applicant for enrollment on card
No. F D 254 whose application was denied July 10, 1903 and affirmed
by the Honorable Secretary of the Interior on May 11, 1904; and Emma
Purtle, an applicant for enrollment as a Cherokee Freedman upon card
No. F D 265, whose application was denied by the ~~Commission~~ ^{Public} on July
23, 1904 and affirmed by the Secretary of the Interior on November 12,
1904.

WHEREAS, Motions for rehearing have heretofore been filed in
the matter of the application of the consolidated cases of Jesse Vann
et al and in the matter of the consolidated cases of Emma Purtle et al.

NOW THEREFORE, it appearing that these three children, Frank
Vann, Riley Vann and Lovat Vann, may have rights which would entitle
them to enrollment either upon their father's side or upon their
mother's side.

WHEREFORE, the applicants pray that a re-hearing be granted by
the Honorable Secretary of the Interior and that these three appli-
cants be classified both with their father and with their mother so
that if either are shown to be entitled to enrollment, that
the children may be enrolled with whichever party that is entitled
to enrollment.

Respectfully,

Stamps & Purtle

Attorneys for applicants

UNITED STATES OF AMERICA,)
 INDIAN TERRITORY (ss.
 Western DISTRICT)

J. C. STARR, of lawful age, being duly sworn, on oath states that he is one of the Attorneys for the applicants and that this Motion is made not for the purposes of delay but in order that justice be done.

J. C. Starr

Subscribed and sworn to before me this 7th day of June, A. D., 1906.

Jessie Patten
Notary Public.

My commission expires *Dec. 16, 1909*

IN THE MATTER OF THE ENROLLMENT OF CITIZENS OF THE CHEROKEE NATION.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western DISTRICT. } ss.

Proof of Service.

J. C. Starr

.....of lawful age, being duly sworn, says that
he deposited in the United States Postoffice, at Vinita, Indian Territory, an envelope to be duly registered
containing a copy of the Argument or Instrument hereto attached. Said envelope to be duly registered
to Bell, Hastings & Davenport,

at Muskogee I T....., as shown by the receipt of the postmaster
hereto attached. Which said postoffice is shown by the records ~~of the Attorneys for the Cherokee Nation~~
to be the postoffice of the party to whom said envelope was mailed.

Subscribed and sworn to before me this 7th day of June 1905

My Commission expires December 16, 1909.

~~My Co.~~

~~1905~~

J. C. Starr
Jessie Patten
Notary Public.

I

Received of the Treasurer of the
County of ... the sum of ...
for the ... of ...

Attest: T. W. ...
J. ...

RECEIVED
1961
JAN 15
COUNTY OF ...

State of Kansas
County of Lincoln ss.

I, the undersigned, a
Justice of the Peace, duly
elected & qualified and acting
as such within and for the
County of Lincoln State of Kansas,
John W. Thompson, who being
by me duly sworn, depose and
say that

"My name is John W. Thompson
and I am 66 years and my
first office is Fairview
Kansas and I was elected
Community April 19, 1867
and live at about two
miles from Fairview

Emerson's farm. After I
had been there for a
while, sometime during
the crop season } 1867
I became acquainted
with a colored man by
the name of Stephen
Tyrell, who was sitting in
a chair on Emerson's place.
I talked with him, and
bought a cow from him
that year, and he told me
that he belonged in the
Cherokee Nation, and had
a place there; that he
owned a place in the
Nation and had his

[illegible]

Squach left here, I
immediately called
Charles Stahm and
I have been searching
since, and I have lived
within same community
ever since.

J W Thompson

I submitted record to
before me this 10th day of
November. 1906.

H. E. Devey

Justice of the Peace

County, Kansas.

One day I appeared before me, the undersigned, a Notary Public within and for the County and State aforesaid, J. D. McRae who being by me duly sworn, on his oath deposes and says: "My name is J. D. McRae, my age is seventy-one years, and my first office is Goodrich, Line County, Kansas. I have been a resident of this County for over forty years. In 1866 I lived on a farm adjoining the farm of Emerson and the North-west, and was a close neighbor to Mr. Emerson, which was near Fairview, Kansas. In 1866 while living neighbor to Mr. Emerson I became well acquainted with a colored man who lived on the Emerson farm, by the name of Stephen Lynch. I saw him and his family frequently and knew him, and his wife Peggy, and his boys, George and William, well as they lived only about $\frac{1}{2}$ mile from me. I understood that he came from the Cherokee Nation, and used to hear him talk about the Nation and about going back. In the fall of 1866 they left here and I understood that he went to the Cherokee Nation to get his citizenship rights and to get him a place. They were gone for several months this time, and they were not here again until along in the spring or early summer of 1867. In the spring or early summer of 1867 Stephen Lynch and his family came back up here to the Emerson place and Stephen worked on the Emerson farm that summer or summer of 1867, and put in a little crop. I heard when he came back here in 1867 that he had gotten himself a place in the Cherokee Nation, and that he was going to go back down there as soon as he disposed of his crop. When Stephen Lynch

understood that she had gotten him
self a house in the Cherokee Nation
and that she had it at that time, and
that he was going to move
all his effects down there that he
had left up here. He stayed up here
a part of that year, and left before
so she said for the Cherokee Nation some
time during that year after he had
been here for some time. I remember
well the occasion of his leaving, & I
traded horses with him a short time
before he left, and he started off with the
horses I traded him and got as far
as Mound city, and came back, and
wanted me to trade back with him,
which I did. I do not definitely
remember the exact times when Stephen
Syuck left, but I remember that after
he left and was away from here for some
time in the latter part of the year 1866 and
that he came back after a time
about the early part of 1867 and stayed
here for a while again and then
left and I have never seen him since.
When Stephen Syuck came back up here
in 1867 I understood that he had a
claim in the Cherokee Nation and was
holding it, and getting all his things
together to leave. He was as good as
he could sell his crop.

J. S. McRae

Subscribed and sworn to before me this
10th day of November 1906.

Samuel Gorton

Deputy Notary Public
Term Expires March 31, 1908

IN THE MATTER OF THE ENROLLMENT OF CITIZENS OF THE CHEROKEE NATION.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

Proof of Service.

I, J. C. Starr, of lawful age, being duly sworn, says that
deposited in the United States Postoffice, at Vinita, Indian Territory, an envelope to be duly registered
containing a copy of the Argument or Instrument hereto attached. Said envelope to be duly registered
to W. W. Hastings, Attorney for the Cherokee Nation
at W. W. Hastings, Attorney for the Cherokee Nation, as shown by the receipt of the postmaster
hereto attached. Which said postoffice is shown ~~by the records of the Attorneys for the Cherokee Nation~~
to be the postoffice of the party to whom said envelope was mailed.

Subscribed and sworn to before me this 12 day of November, 1909.

Commission Expires Dec. 4, 1910

[Signature]
Notary Public.

IN THE DEPARTMENT OF THE INTERIOR
WASHINGTON

IN THE MATTER OF THE CONSOLIDATED APPLICATIONS OF JESSE VANN ET AL
FOR REPLENISHMENT AS CHEROKEE FRIEDMEN.

Affidavit of William Paginton, of Centerville, Kansas to be filed
applicants in support of their motion for rehearing.

Starr & Patten
for

Attorneys for Applicants.

IN THE

U. S. Registered Mails go to every post office in the world. Letters and parcels may be registered at any post office at any post-office station, and by rural carriers throughout their routes. Letters will be registered at any post office in the United States or in the possessions of the United States. For registered mail delivered through a U. S. post office, the sender must without request or attachment.

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Subsc

County of Lincoln } ss
Personally appeared before me the undersigned, a Justice of the Peace, duly elected and qualified and acting as such, within and for the State and County aforesaid, - William Saguiton, who being by me duly sworn on his oath deposes and says:

"My name is William Saguiton, my age is 79 years and my post office is Centerville, Kansas. I have lived in this County for fifty years. From 1858 until the spring of 1866 I lived near Fairbault, about 1/2 mile east, and

ATION.

at
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postmaster
Chief of Nation

Public.

R.F.D.-3

IN TH

VATION.

U. S. Registered Mails go to every post office in the world. Letters and parcels may be registered at any post office at any post-office station, and by rural carriers throughout their routes. Letters will be registered by letter carriers in the regular mail. For registered mail delivered through a U. S. post office, the writer must, without request, attach a large, and

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Subsc

near Sumner, Kansas
I lived about 1/2
mile from Mr. E. J. ...
I became acquainted
with a colored man whose
name is Stephen ...
lived near Mr. E. J. ...
and worked for him. Also
I lived his family and he
and his wife and children
frequently came to my
house, and I ...
worked for me a good
many times. The first
month 1866 I left and
I am now where I have
lived and earned where I
now live, about 4 1/2 miles

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U. S. Registered Mail is
every post office in the world.
Letters may be registered
by depositing them in a
box, and by receiving a receipt
therefrom. Letters will be
delivered by letter carriers in the
cities of cities.
For registered mail delivery through
the post office, the sender must
without request or extra charge.

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west. When I left there
I did not see Stephen or
his family any more, but
I had become so well
acquainted with him, that
I was more or less interested
in what became of him, and
a few months later, along
the last part of the year
of 1866 I saw Mrs.
Emerson and she told
me that Stephen had
left and that she understood
that he had gone to the
Cherokee Nation. The
following year in 1867 I
heard of Stephen being
back again, but I did
not see him. I remember

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U. S. Registered Mails go to every post office in the world. Letters sent by registered mail at any post office or at any post-office station and by rural carriers brought to the post office. Letters will be delivered to the addressee at the registered office of the addressee. For registered mail to be sent, the sender must pay the postage and the fee for registration. Without request to attach a label.

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James Buchanan in
1861 I was in the
you and I were in the
with the same and have
as far as
which Lily and Carol
back and I went to the
back. I have been in the
same community at
no time more than 4 1/2
miles from the Bureau place
since 1857 and I have
never seen the place since
I have been since I
moved from near where
Stephen lived, to where I now
live about 4 1/2 miles west.
on the 17th March 1866.

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U. S. Registered Mails go to every post office in the world. Letters and parcels may be registered at any post office or at any post-office station, and by rural carriers throughout the nation. Letters will be registered by the carrier in the registered office of the post office. For registered mail delivered through a U. S. post office the sender must without request prepay postage.

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I did not see him long after
he left. But I
remember talking with
Mrs Emerson in the late
part of the year 1866 + she told
me at that time that
Stephen was gone, she thought
to the Cherokee Nation and that
some time he again he came
back, being with him in 1867 and
his leading a fair amount of
time he traded horses with
Mr McCracken.

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postmaster
Cherokee Nation

906
ry Public.

Wm. H. Dewey

Subscribed and sworn to
before me this 14th day of
November, 1906

H. E. Dewey
Justice of the Peace.

IN THE MATTER OF THE ENROLLMENT OF CITIZENS OF THE CHEROKEE NATION.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

ss.

Proof of Service.

Guy Patten of lawful age, being duly sworn, says that he deposited in the United States Postoffice, at Vinita, Indian Territory, an envelope to be duly registered containing a copy of the Argument or Instrument hereto attached. Said envelope to be duly registered to W. W. Hastings, Att'y for the Cherokee Nation at Muskogee, Indian Territory, as shown by the receipt of the postmaster hereto attached. Which said postoffice is shown by the records of the Attorneys for the Cherokee Nation to be the postoffice of the party to whom said envelope was mailed.

Subscribed and sworn to before me this 23rd day of Nov. 1906

Commission Expires Dec. 4, 1909

Notary Public.

LAW OFFICES
MCGOWAN, SERVEN & MOHUN
GLOVER BUILDING, 1419 F STREET, N.W.
WASHINGTON, D.C.

J. H. MCGOWAN A. R. SERVEN BARRY MOHUN

December 5, 1906.

Your honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

Please find herewith the affidavit of Thomas Barwick in support of the pending motion for rehearing in the Cherokee freedman enrollment case of Jesse Vann et al. , with proof of service on the attorney for the Cherokee Nation. This completes all of the affidavits we desire to file in support of such motion and it is earnestly hoped that an opportunity may be had of presenting the evidence which these people have been able to gather up to the present time in support of their claim to such enrollment.

Respectfully yours,

McGowan, Serven & Mohun

DEPARTMENT OF THE INTERIOR.

In the matter of the application for the enrollment of Jesse Vann, et al., as Cherokee freedmen, consolidating the applications of,

Jesse Vann, et al.,.....Cherokee freedmen D 254,
William Vann, et al.,.....Cherokee Freedmen D 302,
Nettie Eaton,.....Cherokee Freedmen D 190,
Daniel Lynch, et al.,.....Cherokee freedmen D 316.

Reply of Cherokee Nation to Motion for new trial.

The attorneys for applicants herein file another motion for a new trial in this case, and attached to their motion certain testimony taken in the Bertha Bean case, Freedmen Doubtful 393, together with an affidavit of Simon Lynch and Jackson Davis and upon this testimony and attached affidavits, they ask the Department to rescind its former action affirming the judgment of the Commission rendered July 10, 1903, denying the applicants herein. A number of motions have been filed in the case, but the one upon which the counsel for applicants rely, and the one to which this is intended to be an answer, is sworn to upon the day of February, 1906, and signed "J. J. Bulger."

The applicants set out the testimony of certain witnesses in the Bertha Bean case, F. D. 393. Bertha Bean is the alleged daughter of Judy Bean by Jacob Bean and the grand daughter of Stephen Henry Lynch, and Stephen Henry Lynch is the father of Daniel Lynch, one of the applicants herein, and the stepfather of Jesse Vann and William Vann the other applicants herein.

After reviewing all of the testimony in the Bertha Bean case, F. D. 393, the Commissioner to the Five Civilized Tribes, on March 3, 1906, rendered a decision denying Bertha Bean and held that her grandparents, Stephen Henry Lynch and his wife, Peggie, did not return to the Cherokee Nation within the time prescribed by the treaty of 1866, and it is upon the testimony in this case that applicants rely to have said case reopened and remanded.

The Cherokee nation objects to the motion to reopen for a number of reasons:

First, all of the applicants live in the vicinity of Vinita, I. T., and there is no sufficient reason whatever shown why all of the witnesses upon whose testimony or affidavits applicants rely in order their motion for a new trial could not have been gotten before the Commission in 1901, when the Commission to the Five Civilized Tribes was taking testimony in freedmen citizenship cases, or before the Commission subsequent to that time and prior to the decision of the Commission in said case July 10, 1903. We submit that as the Department has held, and as Courts everywhere hold that motions to reopen upon newly discovered testimony should not be granted unless it is shown that the applicants, with the greatest diligence used, could not have gotten the witnesses before the Commission and that the testimony is really newly discovered and could not have been discovered with the proper diligence. Frankly we submit that no sufficient reason is shown in the motion why these witnesses could not have been gotten before the commission in 1901, 1902 or 1903 in view of the fact that it is well known to the Department that the Commission sat at various places throughout the Cherokee Nation convenient to applicants, where the witnesses could be introduced. And we desire to impress this point upon the Department, that no motion should be considered or allowed unless some amount of diligence was used in the procurement of witnesses, as is required by Court, and it is not sufficient that a motion states

that the testimony is newly discovered, but it must be affirmatively shown how it was discovered, what effort was made to find it previously, and why with the proper diligence the testimony of the witnesses could not have been previously secured, so that the Department may pass upon the question of diligence.

Second, the motion is without merit. On July 10, 1903, the Commission to the Five Civilized Tribes properly rejected the applicants. At that time a number of witnesses were called on behalf of the applicants and among them was this same Anderson Lynch who testified that he was a ~~son~~ slave of Joe Lynch; that he belonged to the same man to whom Stephen Henry Lynch belonged; that he went up in a wagon and brought him down to the Cherokee Nation in the fall of 1866, and there is no reason shown why all of the other witnesses could not have been gotten and introduced at the same time. The Cherokee Nation rebutted this testimony by introducing C. L. Lynch, the young master of Stephen Henry Lynch, and he testifies that he went back to the old home place where Anderson Lynch claims to have brought Stephen Henry Lynch, the grand father of Bertha Bean, and the father and stepfather of the present applicants, in February or March, or at least the early Spring of 1867, and he swears that Stephen Henry Lynch and his wife, Peggie, were not there, and he swears that he went back in the fall of 1867 and sold the place to George W. Scraper, the father-in-law of G. W. Clark, and he swears positively that Stephen Henry Lynch, his old slave, did not make a crop upon that place that year.

Watt West, another witness on behalf of the Cherokee Nation, lived in that vicinity and he went over the old Lynch place in the winter of 1868, perhaps in February, and it was the first time he had seen Stephen Henry Lynch, and Stephen Henry Lynch told him that he had just come back from Kansas.

George W. Clark, son-in-law of George W. Scraper, who lived the year of 1866 on the old Lynch place, the point to which Stephen Henry Lynch claims to have returned, swears positively that he was not there and that he did not make a crop there that year, and that he did not see him until 1868. Clark was a Union soldier, has no interest whatever in the case, and had no prejudice whatever against the applicants herein. Upon this testimony and the testimony of Mrs. Humiston, which will be referred to later, the commission rejected the applicants. They voluntarily submitted their case; they did not ask to introduce any other witnesses; certainly they could have introduced Simon Lynch, Allen Lynch and in fact, all of the other witnesses if they had so desired, but they submitted the case upon this testimony and they were rejected by the commission and their rejection affirmed by the Department.

In the Bertha Bean case practically the same ground was gone over, and Jesse Vann takes another turn at swearing as he had previously sworn in his own case. But just here we also desire to call the attention of the Department to the fact that Allen Lynch and Wilmore Hicks were also witnesses for the applicants on October 31, 1901, when the commission was at Vinita, Indian Territory.

Jesse Vann swears to nothing new in his testimony in the Bertha Bean case, except that upon cross-examination he admits that he lived in Lynn County, Kansas, and that he lived on Mrs. Humiston's farm, whose former name was Emerson. The next witness introduced was Anderson Lynch and he testified as he had previously testified, and certainly this is not new testimony, that he brought Stephen Henry Lynch and his family down to the old Lynch place about Christmas of 1866. The Department is familiar with the record of Anderson who is also known as "Crap" Lynch, and the Cherokee Nation introduced James Yost, Ben Haff, W. G. Reamer and W. C. Chamberlain as impeaching witnesses against both this Anderson Lynch and Allen Lynch in the Mariah Johnson case, F. R. 210. The Department is also familiar with the fact that the records show that these witnesses have been standing witnesses in a great many cases, and that practically all of them have been rejected by the commission and affirmed by the Department, which in effect finds that the witnesses are unreliable. If these

witnesses testified anything, they testified unquestionably that they came to the Cherokee Nation in the fall of 1866 and continued to reside therein, upon the old Lynch place. Now, nearly all of them testified that Stephen Henry Lynch made two trips. Simon Lynch is also brought upon the stand and the record in a number of cases shows that Simon Lynch was convicted of larceny and served a term in the Cherokee penitentiary and this fact is admitted by him upon cross-examination in this case. Tobias Bean swears in his examination that when he first saw the applicant was in 1866, and that he had moved his family down with him. To offset these statements the Cherokee Nation introduced the three witnesses hereinabove referred to (we mean originally in this case) namely, C. L. Lynch, Watt West, G. W. Clark and Mrs. Humiston and in the Bertha Bean case Mrs. Josephine Humiston is again introduced. Her testimony is not attached to this motion for a new trial, and it is so important that we attach it hereto in order that the Department may see the convincing testimony introduced by her in rebuttal of the testimony introduced by these colored applicants. She swears that her former name was Emerson, and this is admitted by Jesse Vann, and she swears that she knew Stephen Lynch, and this is admitted by Jesse Vann, and she swears that they lived upon her husband's place, and she swears that they did not leave there until the fall of 1867. She also testifies and the diary of her husband shows that during the winter of 1867 that the family of Stephen Lynch, including his wife, lived upon their place and worked for them at various times and made a crop there during the year 1867. This testimony cannot be belittled; it cannot be offset; it cannot be refuted. The record show, among other things, that on "July 13, by labor, three days, Stephen Lynch, amount \$3.00," and during different days in July that he did various kinds of labor, including hoeing corn for Mr. Emerson; that in August he worked for Mr. Emerson, and that one item in August, that of a payment of \$8.00 for labor by Peggie, who was the wife of Stephen Lynch, showing that in August of 1867 the family was still there. On September 20, he helped Mr. Emerson to thrash, and on September 30 is an item which we desire to particularly call the attention of the Department to. This same Stephen Lynch sold 6.76 acres of corn to Mr. Emerson for \$50.70. Now this was September 30, 1867. Unquestionably it was the corn raised upon Emerson's place for that year. How could Stephen Lynch have raised that corn in Linn County, Kansas, on the Emerson place, and at the same time have raised a crop on the old Joe Lynch place in the Cherokee Nation. We submit that this one item convincingly shows that these people lived there during the year of 1867 and made a crop there. Another transaction on September 30 was the sale of fodder \$19.00. In the early part of the year it is shown that Steve Lynch was there. The fact is commented upon in the motion for review that there is no record in the earlier part of the summer, as shown by the diary, that Stephen Lynch worked for Emerson. That is accounted for by the fact that he was then making his crop. The diary shows that he raised a crop of corn and sold it. Attention is invited to the fact in this same testimony that the diary shows that on August 20, 1867, the following: "Steve starts to the Cherokee Indian Country." Now, the diary also shows that no work was done by Steve from August 18, until September 3, 1867, when Steve hauled wood for Mr. Emerson showing that he had about two weeks to go to the Indian country and return. This same diary shows that on October 22, 1867 "Steve and brother Bill start back to the Cherokee Nation.... Steve takes 7 1/2 bushels of corn out of the crib again."

This was the second trip of Steve to the Cherokee Nation, and it will be noted that the diary does not show him at any other time in Kansas after October 22, but it does show him to getting cash to the amount of \$55.10 on October 21, 1867, which must have been a complete settlement made by Mr. Emerson with Steve the day before he started to the Indian country. Now, this testimony is in line with some of the testimony introduced on part of the applicants to the effect that Stephen Lynch made two trips to the Cherokee Nation; the first, in August of 1867, when he went alone, the second, was in the fall, which is shown by this diary

to have been on October 22nd, 1867, when he went with his brother, Bill Buffington and family, and of course got to the Cherokee Nation some time before Christmas. Now, the other witnesses say that he and Bill Buffington went to the Cherokee Nation together when they moved their families, and of course instead of 1866, it was in 1867, as the diary shows.

We submit that this testimony is conclusive, and it shows that there is no merit in the motion to reopen, and we therefore submit that it should not be granted. The Commission, after hearing all of the testimony in the Bertha Bean case, has decided against them, as shown by copy of the judgment hereto attached.

Third, this motion should not be allowed under the ruling of the Department in the John Morgan case, because the record shows that on June 8, 1871, the Cherokee Supreme Court at Tahlequah, denied the applicants, and Anderson Lynch testified originally before the Commission on May 10, 1901, that he knew that Stephen Henry Lynch went down before the Bob Daniels Court and that he had a trial there, whereas he admits attempts to testify now that the case was dismissed without any trial. The counsel for applicants attach affidavits of Simon Lynch and Jackson Davis to show the methods of the trial. This record shows that Simon Lynch was convicted of larceny and the record of the commission also shows that Jackson Davis is a rejected freedman applicant for citizenship in the Cherokee Nation and it is not shown either that these witnesses could not have been gotten before the Commission prior to the original decision, and if they had, we submit that their testimony is of no consequence and would not have been favorably received by the Commission or the Department.

Finally we submit that there is no diligence whatever shown by the motion, and that the testimony taken as a whole in this case conclusively shows that Stephen Henry Lynch did not move to the Cherokee Nation until the fall of 1867, and that therefore there is no merit in the case, and that for that reason the motion should be denied, and we further submit that under the decision of the department in the Harry Still case and in the John Morgan case the Motion should not be granted for the reason that it is shown that the applicants were denied on June 17, 1871, by the Supreme Court of the Cherokee Nation, and there is no testimony in the record to show that this was a fraudulent judgment or one based upon insufficient testimony.

For the reasons hereinabove assigned we submit that this motion should not be allowed.

Respectfully submitted,

J. B. Bell

W. W. Hastings

J. S. Davenport
Attorneys for the Cherokee Nation.
Nov. 2.

*Since accepted
April 10, 1906
Judge John P. Patton
in applicants*

IN THE DEPARTMENT OF THE INTERIOR
WASHINGTON.

In the matter of the application for the enrollment of Jesse Vann et al as Cherokee Freedmen, with which is consolidated the cases of:

Jesse Vann et al----- F D-----254,

William Vann et al F D-----309

Hettie Eaton-- F D-----190,

Daniel Lynch et al F D-----316.

MOTION FOR A NEW TRIAL.

Comes now the applicants in the above consolidated cases and move the Department to grant them a new trial in order that the newly discovered testimony that applicants have might be adduced before the Honorable Commissioner to the five Civilized Tribes.

It appears from the record in this case that the applicants were denied enrollment by the Commission to the Five Civilized Tribes on July 10th 1903 and this decision was affirmed by the Honorable Secretary of the Interior on May 11th 1904.

For grounds for a new trial applicants state;

1st. That since the decision of the Honorable Secretary of the Interior herein, the case of Bertha Bean, F. D. 303, who is a grand daughter of Stephen Lynch was heard by the Honorable Commissioner to the Five Civilized Tribes at his office in Muskogee I. T. on December 2, 1903 and at this hearing, the attorneys who represent applicants

James E. Ingersoll had cross examined these witnesses and he hereby attach to this motion a certified copy of the testimony taken at that date, and ask that same be considered in support of this motion.

And that there be a later hearing of this case at which

the undersigned attorneys for applicants

is not at variance with our contentions in this case. We have not been supplied with a copy of this testimony or we would attach a copy of it also to our motion as it not only contains the testimony of the Nations two witnesses but also the testimony of three of our witnesses introduced at the last hearing.

The testimony introduced by the Nation at the last hearing was vs Josephine Humiston who had the diaries of her husband who was a surveyor and the record shows that the entries in these diaries tend to show that Stephen Lynch was in his employ nearly every day from the first part of the year of 1866 until October 8th 1866 when he "paid Steve for work." after that the name of Stephen Lynch does not appear again until until July 6th 1867 and then it appears he was back there and remained probably until October 22nd 1867 when the little diary records the following "October 22nd 1867 Steve and brother Bill start back to the Cherokee Nation."

We contend that this diary is not at variance with the testimony we offered in the Bertha Bean case and also with the great volume of testimony we now have to offer in support of our contention in these cases.; for the reasons that we contend that,

1st.

In the latter part of October 1866 Stephen Lynch and several others came to Fort Scott, and from Fort Scott Kansas they came to the Cherokee Nation on horse back to look out claims and to locate them selves and that on this trip a great number of our witnesses already introduced in the Bertha Bean Case and also the great number of witnesses we have to introduce saw Stephen Lynch, while he was in the Cherokee Nation on this occasion on horse back. That after looking around over the country Stephen Lynch bought a house and a small patch of land improved from Simon Lynch for which he paid twelve dollars.

That Stephen Lynch also laid a claim upon the Public domain of the Cherokee Nation at another place, that this claim was afterwards seized by a man by the name of George and taken away from Stephen Lynch; That after purchasing this house and small improvement from Simon Lynch the said Stephen Lynch made a deal with Anderson Lynch to go to Kansas after him and his family in a month thereafter and move them to the Cherokee Nation. That in December 1866, Anderson Lynch went to Kansas and went out on the

Big Sugar Creek North West of Mound City to the Emerson place and moved Stephen Lynch to the Cherokee nation and arrived in the Cherokee nation about the middle of December 1866 and prior to the time of the death of Martha Lynch a young colored woman who died just before Christmas 1866. That Stephen Lynch and his family moved into one of the old houses on the old Lynch place and remained there a very short time until he could fix up his cabin that he had the fall before purchased from Simon Lynch and then in a few weeks he moved into his cabin and continued his improvements in an effort to make him a home. That his residence, legal and actual so far as the law is concerned was in that cabin thereafter until his death.

3rd.

Our testimony will show that in the spring of 1867 along about the time grass came up a great many of the Cherokee freedmen being on the verge of starvation went to Kansas to get work in order to keep the necessities of life for their families; they went to Kansas by the hundreds; our testimony will show that it was a question of facing starvation or going up to Kansas for work for a short time with hundred of them; in many instances the ravages of the civil war had left nothing whereby they could support themselves; their homes were in ashes and where once stood comfortable homes of both the Indians and slaves were now blackened chimneys and a pile of ashes; the conditions with the people who formerly had property was awful; how much more terrible then was the condition of the slave who returned after the war with his freedom and perhaps with not a penny for his support. Our witnesses will tell of the outrageous prices that they had to pay for corn meal \$1.50 per bushel; Flour \$8.00 per hundred pounds; and meat at forty cents per pound; Our witnesses will tell that a freedman seldom saw a biscuit in those times; that they lived principally on corn bread and wild onions during the spring of 1867 and that because of these conditions many of them went to Kansas in the spring of 1867 to Kansas to get work and our witnesses yet to be introduced will tell that it is probable that Stephen Lynch and his wife Peggie went back to Kansas about June or July 1867 and worked through the summer and in October 1867 Stephen Lynch and his wife, after this temporary stay in Kansas "started back to the Cherokee nation" where they continued to live in the Cherokee nation until their death.

That as to the question of the decision of the Cherokee Court in 1871 denying Stephen Lynch we contend that the testimony of our witnesses will show that Stephen Lynch went to Walequah for his trial and had with him ample witnesses to prove his citizenship but the court or Bob Daniels told him to go home that he was all right and his case was never heard and the default judgment against him was one that was rendered purely by default and without an opportunity being afforded the said Stephen Lynch to have his testimony heard. At the new hearing of this cause we desire to offer in evidence the entire docket of this Bob Daniels court in order to show the department how ill considered these cases were and the record itself when introduced will be the most convincing testimony of the unfairness of these trials; we have a number of prominent Cherokees who will testify as to the customs of this court; how it rendered default judgments against freedmen and never went into the merits of a default case but decided against the freedman because he did not appear and bring his witnesses and in the case at bar after the defendant had appeared and made a good showing as to what he could prove he was told to go home that he was all right and then a decision entered against him by default. We expect to prove that this ill considered default decision was rendered against Stephen Lynch without the court going into the merits of the case and without the testimony of a single witness.

We have a number of witnesses in the Cherokee Nation, who are reputable and also a number of witnesses at Mound City Kansas who are reputable citizens of Kansas by whom we expect to prove what we contend herein with reference to these consolidated cases.

We attach to this motion a certified copy of the testimony taken in the case of Bertha Bean et F D 393 a grand daughter of Stephen Lynch and we believe this testimony is sufficient to support our motion for a new trial. In addition we attach the record of the Cherokee Court in 1871 with reference to Freedmen and in addition to all of this testimony we have a large number of witnesses in Kansas and in the Cherokee Nation we desire to introduce if the department will grant this our motion for a new trial. This testimony is all newly discovered. Stephen Lynch and his wife Peggie are both dead and we can not have their advice and aid in helping us to find the testimony and has been a difficult task for us to perform with all of these incumbrances

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in our way but we believe we have succeeded and we now in good faith and with sincerity ask the Department to remand these consolidated cases to the Commissioner to the Five Civilized Tribes in order that we will have an opportunity to introduce all of the testimony we have; we firmly believe that when all of our testimony is introduced that the Honorable Commissioner to the Five Civilized Tribes will not hesitate to render a decision ordering the applicants enrolled and we believe our testimony will convince the Department that these applicants are Cherokee Freedmen and have complied with the law and should be enrolled.

The fact that Stephen Lynch bought him a home in the Cherokee Nation in the fall of 1866 and established his residence in that home in December 1866 and with the possible exception of a temporary absence to Kansas in the summer of 1867 he lived in that home until he died --- We believe this newly discovered testimony entitles these applicants to a new trial and we earnestly pray the Department to grant this our request.

J J Bulger

Attorney for Applicants.

District of Columbia, SS

J J Bulger of lawful age being duly sworn on his oath says that this motion is made, in good faith, not for the purposes of delay but in order that justice might be done.

Subscribed and sworn to before me this 14th day of February 1906.

Notary Public.

IN THE DEPARTMENT OF THE INTERIOR
WASHINGTON.

In the matter of the application for the enrollment of Jesse Vann et al, as Cherokee Freedmen, consolidating the applications of

Jesse Vann et al Cherokee Freedman	D 254.
William Vann et al	" D 309
Hettie Eaton	" D 190
Daniel Lynch et al	" D 316.

United States of America,
Indian Territory,
Northern District SS.

A F F I D A V I T.

On this 6th day of January 1906, personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory, Simon Lynch of lawful age, who being by me duly sworn according to law on his oath says:

"My name is Simon Lynch my age isseventy-five years and my post office address is Spavinaw I. T.. I was well acquainted with Stephen Lynch during his life time. I knew him before the Civil War I returned to the Cherokee Nation in February 1866. After moving from several locations I finally located on the Old Lynch place where I was living in the late fall of 1866. About the beginning of cold weather in the late fall of 1866 Stephen Lynch came down from Kansas on horse back to look up him a place. I had purchased a small place consisting of a small patch in cultivation and a log cabin from a Cherokee. Had traded him a rifle gun for the place and I showed this place to Stephen Lynch and he liked it and I sold it to him for \$12.00. This little piece of land had a small patch in cultivation and had a log cabin on it. After we made this trade Stephen Lynch went back to Kansas after his family and Anderson Lynch went to Kansas and helped him move down here. Stephen Lynch and his family moved into one of the houses on the old Lynch place early in December 1866 and lived there a short time until he could fix up his cabin on the place I had sold him and as soon as he got this cabin fixed up he moved his family

into this cabin the rest of the winter and were there far up in the spring of 1867. I do not remember of them going back to Kansas late in the spring of 1867 although it is possible that they did go back to Kansas in the spring of 1867 to get work for support as times were very hard in this part of the country in those days and the darkies had a very hard time to get something to eat. If Stephen Lynch went back to Kansas and spent the summer of 1867 up there it was because he could not get work to sup-

port his family in the Cherokee nation. I know that on account of the extreme hard times a great many of the freedmen went back to ^Kansas in the spring and summer of 1867 and worked through the summer in order to provide means to leave on. I will not say that Stephen Lynch did not go back to ^Kansas like a great many others who work there through the summer of 1867

There is one thing that I do know of my own personal knowledge and that is that Stephen Lynch owned the improvements I sold him with his cabin and small patch incultivation from the time I sold it to him in the fall of 1866 until his death. He continued his improvements and afterwards developed same into a good farm and lived on it until his death. He bought this place from me in the fall of 1866 for the purposes of making it his home and he afterwards moved onto it and lived in the cabin I sold to him and continued to own it from the date I sold it to him until the date of his death.."

"I remember quite well the Bob Daniels citizenship court that was trying Cherokee freedmen in 1871. A Great many Freedmen were called before this court. Stephen Lynch went down with me at the time I went down also Jackson Davis went along. There were about three hundred freedmen in the yard of the Court house or Capital square at Tahlequah at the time. Judge Bob Daniels called me and Stephen Lynch and Jackson Davis up before him and told us that we were all right, that there was no use for us to be kept there on expenses and advised us to go home and that if he should need us we would be notified. In my own case he did not give me a trial but spoke to me out in the Capital yard and told me he would admit me that I was all right. My name is on the 1880 roll now. He told me that Stephen Lynch and Jackson Davis were all right and he never did try their cases. I know that Stephen Lynch was in Tahlequah with his witnesses all ready for trial and had ample testimony at that time to prove that he returned and qualified under the treaty of July 19, 1866 but that the court never called his case and the Judge told him to go home and he never did get a trial.. At these trials Judge Daniels had a great many of the cases called and where the freedmen were not present to answer right quick they would decide against them by default. They did not take any testimony on either side. They decided lots of the cases on the street both for and against Freedmen. In default cases they decided against the freedmen without taking any testimony. A great number of the decisions against freedmen by this Daniels court were default decisions and they never went into the

merits of the cases. In the Cherokee Courts it was the custom of the courts to even decide divorce cases by rendering default judgments without taking any testimony whatever. This same rule was worked on the freedmen and an examination of the court record of this court of 1871 will prove this statement true. "

"Judge Daniels came out in the yard among the freedmen and spoke to them and passed on many of the cases without taking any testimony or without calling them formally before the court. "

Simon ^{his} Lynch

Subscribed and sworn to before me this 6th day of January 1906.

J. C. Starr
Notary Public.

IN THE DEPARTMENT OF THE INTERIOR

WASHINGTON.

In the matter of the application for the enrollment of Jesse Vann et al as Cherokee Freedmen.

Affidavit.

United States of America,
Indian Territory
Northern District SS.

On This 6th day of January 1906, personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory, Jackson Davis of lawful age who being by me duly sworn on oath deposed and sayeth:

"My Name is Jackson Davis my age is Seventy-nine years and my post office is Adair, Indian Territory. I knew Stephen Lynch in his life time. I saw him in Grand river in the late fall of 1866 about the time cold weather set in. He came down from ^Kansas on horse back and bought a little farm from Simon Lynch. This improvements had a small patch in cultivation and had a cabin on it. Stephen went back to Kansas and in December before Christmas 1866 Anderson Lynch went to Kansas and moved him and his family down to the Cherokee nation. They first moved into a house on the old Lynch place. There were several houses on this place and Stephen moved into one of these old houses and stayed there a short time until he could fix up the cabin on the place he bought from Simon Lynch. I helped him work on his house afterwards. As soon as he got his cabin fixed up he moved right into it and continued to improve his place and made a good farm afterwards and lived on this place until he died. I know that he owned this house and this little farm from the time he bought it from Simon Lynch in the fall of 1866 until he died."

"In the spring of 1867 or in the early summer of 1867 times got so hard that the freedmen were on the verge of starvation and many of them went up to Kansas to get work in order to provide means for them to live. Hundreds of them went back to ^Kansas and it is my impression that in the summer of 1867 Stephen Lynch went back to Kansas and worked through the summer and then came right back to his cabin where he lived until he died." "I am not prepared to say that Stephen Lynch did not go back and spend the summer of 1867 in Kansas, in fact I rather think he and his wife and all of them went up there and worked through the summer. I do know that he owned his house and little farm from the fall of 1866 until his death."

"In 1867 we had to pay dear for what we got to eat corn meal was \$1.50 per bushel; flour \$3.00 per 100 pounds and meat sold at forty cents per pound."

"I remember quite well the circumstance of the freedmen going down to the Bob Daniels citizenship court in 1871. I went with Simon Lynch and Stephen Lynch down there and I know that Stephen had ample witnesses to prove his case but Judge Daniels told him that he was all right to go on home and not be down there on heavy expenses and he went home and his case was not called and he was not given an opportunity to submit his testimony. These decisions of this court were a very loose piece of business. Some cases were decided on the streets of Tahlequah; the Judge met them and told them they were all right; others were decided in the capital yard at Tahlequah and some were called in the court house. A Great many were decided by default. That is the case was called in case the freedman did not answer and judgment was then rendered against him by default. Oftentimes neither side put in any testimony and the court seldom went into the merits or facts about a default case and such was the treatment received by Stephen Lynch in his case. I was there and I know that he had plenty of witnesses to prove his case if the Court had called it in his presence."

*Witness
J. C. Starr*

Jackson ^{his} *Davis*
mark

Subscribed and sworn to before me this 6th day of January 1906.

J. C. Starr
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., DECEMBER 7, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Jacob Bean ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, J. J. Bulger,
For Cherokee Nation, J. S. Davenport and L. B. Bell.

The records of this office show that on November 23, 1905, the principal applicant and the Attorneys for the Cherokee Nation were duly notified that they would be permitted to appear before this office on December 7, 1905, and introduce further testimony in this case as indicated in said letters, at which time the following proceedings were had.

JESSE VANN, being first duly sworn, testified as follows:

BY MR. BULLOCK:

- Q What is your name? A Jesse Vann.
Q Where is your post office? A Chaffee.
Q How old are you? A I couldn't say but for a rough guess I suppose I am about 53 or 54.
Q Are you acquainted with Bertha Bean of applicant in this case?
A Yes sir.
Q Are you acquainted with her mother? A Yes sir.
Q Are you acquainted with her father? A Yes sir.
Q Who is her mother? A My sister Julie Henry.
Q Who is her father? A Jacob Bean.
Q You say Julie is your sister? A Yes sir.
Q And she is the daughter of not? A Peggie Henry, Indian Peggie or Peggie Lynch.
Q Did you know Indian Peggie? A Yes sir, that was my mother.
Q Was Indian Peggie a slave of a Cherokee at the commencement of the war? A Yes sir.
Q Who was her husband? A Steve Henry or Lynch, belonged to Lynch.
Q Who was her owner at the beginning of the war? A Joe Lynch, the old man's son, I think, was the owner, young Joe Lynch.
Q Did she and her husband belong to the same man? A Yes sir.
Q Did they remain in the Cherokee Nation during the war of the rebellion? A No sir.
Q Where did they go? A To Lynn County, Kansas.
Q Did they return to the Cherokee Nation after the war? A Yes sir.
Q When? A I don't know what year but I know one thing told me by readers there, just that I heard the talk that he came in along the same time.
Q Did you come back with them? A Yes sir, I don't know the name.
Q And how did you come back to the Territory? A We come by land in wagons.
Q Whose wagon did you come in? A Grab Lynch's wagon and he had a wagon, and we had one Steve Henry, and he helped us to move.
Q How many wagons were in that bunch? A Two wagons.
Q And did your father, Stephen Henry, come with you in that bunch?
A Yes sir.

Q. All right, now, Lynch went after you? A. Yes sir, come and

Q Tell me, now, did you, that night, do you remember anything about it?
A I don't recall it starting out, I don't remember the date but it was so he was starting out in due time to make it here for home. It was dark in the hall and the man he lived there with-----

...senders there then, not that it is his wish to send.

Q. What was the purpose of the meeting? A. That they were taking the ravers that were out of town in the business of the country.

Q. Now, did you ever go to Lynn County, Kansas? A. Yes sir.

2. Yourself with Steve Lynch or. Crap Lynch with two weapons come to the FBI building. A. for air.

Q. Would you move to Court here? A. Yes, on Lynch's old Court.

What kind of a house? A little log house, it was the one we lived in before we moved here.

1990

John
... ..
... ..

Q. Now, I want to ask you, did you ever see any of the other people who were in the room with you on that night?

Q. Now, did you see the other two men go out? A. Yes, I could not re-
call. I say, I did not see them. I am 30 years old.

Q I am asking you if you know? A I don't know no more.

1. The first is the fact that the government has a monopoly on the use of force. This is a necessary condition for a state to exist. Without this monopoly, the state would be unable to enforce its laws and maintain order. This monopoly is often justified by the fact that the state is the only entity that can provide a public good, such as defense, which is non-excludable and non-rivalrous. This monopoly is also necessary for the state to provide a public good, such as defense, which is non-excludable and non-rivalrous.

Q How long has she been dead? A Well I couldn't say that now.

Q How old is Bertha? A You have got me stalled, I can't keep no record.

res in that neighborhood, 10 or 12. I doubt it was possible.

Q. How old is Bettie Dean? A. That is further.

Who is the father of Julie Henry? A. You are.

... show the 1919 list? A Mr. [redacted] later.

Q. How old were you then the war broke out?
A. I couldn't tell you for certain.

4. Wilbur to Kansas City, her sister's home, to get a job. He didn't have any money at the time.

Q. "Who is father in the race crowd?" A. "It is the man."

Yours truly, Your sir, to want with his family.

Do not hear the father of Bertha? A Yes sir.

2. Mr. J. C. Smith, President, the first of the year.

Did you first see Jacob Dean? I saw him after the war.

Q Now, would you not have a right to come back to the Territory
and live with your wife? A Yes, sir.

Q Now, you were not enrolled in the military? A No sir, I have been enrolled, but I was not enrolled.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

DO YOU KNOW ANY OTHER NAMES FOR THIS VASE? A. I DON'T KNOW THE NAME.

1. This is a very old photograph, and the subject is very old.

Q Now Deanna's mother and I know Martha, but I don't know the name of the child.

Q You don't know what year you started back to the Territory do you?
A I don't know.-----

Q. Did you not, then, find out that the man was not a doctor?
A. He was not a doctor.

What is the best way to end slavery in the freedmen cell?

A 2004 study by the U.S. Environmental Protection Agency (EPA) found that the average person in the United States spends about 100 hours per year on the Internet, up from 10 hours in 1997. The study also found that the average person in the United States spends about 100 hours per year on the Internet, up from 10 hours in 1997.

Q. Now, you said that you had been in the office of the
Director, Kansas? A. Yes, but I recalled that a good deal of
the time I was in the office of the Director, Kansas.

Q. Did you know that the FBI was looking for a person like this? A. No, sir.

6. 2000年1月1日以后新发生的案件，由该地方法院管辖。

...winning the war? A "Yes sir."

1970-1971 1972-1973 1974-1975

Q Will John come back at the same time? A Yes sir.

Do you know whether Bertha is ever married? A. No sir.

1940

...one Edition.

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Journal of Management Studies, 19(6), 709-728.

1. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 2057. 2058. 2059. 2060. 2061. 2062. 2063. 2064. 2065. 2066. 2067. 2068. 2069. 2070. 2071. 2072. 2073. 2074. 2075. 2076. 2077. 2078. 2079. 2080. 2081. 2082. 2083. 2084. 2085. 2086. 2087. 2088. 2089. 2090. 2091. 2092. 2093. 2094. 2095. 2096. 2097. 2098. 2099. 2100. 2101. 2102. 2103. 2104. 2105. 2106. 2107. 2108. 2109. 2110. 2111. 2112. 2113. 2114. 2115. 2116. 2117. 2118. 2119. 2120. 2121. 2122. 2123. 2124. 2125. 2126. 2127. 2128. 2129. 2130. 2131. 2132. 2133. 2134. 2135. 2136. 2137. 2138. 2139. 2140. 2141. 2142. 2143. 2144. 2145. 2146. 2147. 2148. 2149. 2150. 2151. 2152. 2153. 2154. 2155. 2156. 2157. 2158. 2159. 2160. 2161. 2162. 2163. 2164. 2165. 2166. 2167. 2168. 2169. 2170. 2171. 2172. 2173. 2174. 2175. 2176. 2177. 2178. 2179. 2180. 2181. 2182. 2183. 2184. 2185. 2186. 2187. 2188. 2189. 2190. 2191. 2192. 2193. 2194. 2195. 2196. 2197. 2198. 2199. 2200. 2201. 2202. 2203. 2204. 2205. 2206. 2207. 2208. 2209. 2210. 2211. 2212. 2213. 2214. 2215. 2216. 2217. 2218. 2219. 2220. 2221. 2222. 2223. 2224. 2225. 2226. 2227. 2228. 2229. 2230. 2231. 2232. 2233. 2234. 2235. 2236. 2237. 2238. 2239. 2240. 2241. 2242. 2243. 2244. 2245. 2246. 2247. 2248. 2249. 2250. 2251. 2252. 2253. 2254. 2255. 2256. 2257. 2258. 2259. 2260. 2261. 2262. 2263. 2264. 2265. 2266. 2267. 2268. 2269. 2270. 2271. 2272. 2273. 2274. 2275. 2276. 2277. 2278. 2279. 2280. 2281. 2282. 2283. 2284. 2285. 2286. 2287. 2288. 2289. 2290. 2291. 2292. 2293. 2294. 2295. 2296. 2297. 2298. 2299. 2300. 2301. 2302. 2303. 2304. 2305. 2306. 2307. 2308. 2309. 2310. 2311. 2312. 2313. 2314. 2315. 2316. 2317. 2318. 2319. 2320. 2321. 2322. 2323. 2324. 2325. 2326. 2327. 2328. 2329. 2330. 2331. 2332. 2333. 2334. 2335. 2336. 2337. 2338. 2339. 2340. 2341. 2342. 2343. 2344. 2345. 2346. 2347. 2348. 2349. 2350. 2351. 2352. 2353. 2354. 2355. 2356. 2357. 2358. 2359. 2360. 2361. 2362. 2363. 2364. 2365. 2366. 2367. 2368. 2369. 2370. 2371. 2372. 2373. 2374. 2375. 2376. 2377. 2378. 2379. 2380. 2381. 2382. 2383. 2384. 2385. 2386. 2387. 2388. 2389. 2390. 2391. 2392. 2393. 2394. 2395. 2396. 2397. 2398. 2399. 2400. 2401. 2402. 2403. 2404. 2405. 2406. 2407. 2408. 2409. 2410. 2411. 2412. 2413. 2414. 2415. 2416. 2417. 2418. 2419. 2420. 2421. 2422. 2423. 2424. 2425. 2426. 2427. 2428. 2429. 2430. 2431. 2432. 2433. 2434. 2435. 2436. 2437. 2438. 2439. 2440. 2441. 2442. 2443. 2444. 2445. 2446. 2447. 2448. 2449. 2450. 2451. 2452. 2453. 2454. 2455. 2456. 2457. 2458. 2459. 2460. 2461. 2462. 2463. 2464. 2465. 2466. 2467. 2468. 2469. 2470. 2471. 2472. 2473. 2474. 2475. 2476. 2477. 2478. 2479. 2480. 2481. 2482. 2483. 2484. 2485. 2486. 2487. 2488. 2489. 2490. 2491. 2492. 2493. 2494. 2495. 2496. 2497. 2498. 2499. 2500. 2501. 2502. 2503. 2504. 2505. 2506. 2507. 2508. 2509. 2510. 2511. 2512. 2513. 2514. 2515. 2516. 2517. 2518. 2519. 2520. 2521. 2522. 2523. 2524. 2525. 2526. 2527. 2528. 2529. 2530. 2531. 2532. 2533. 2534. 2535. 2536. 2537. 2538. 2539. 2540. 2541. 2542. 2543. 2544. 2545. 2546. 2547. 2548. 2549. 2550. 2551. 2552. 2553. 2554. 2555. 2556. 2557. 2558. 2559. 2560. 2561. 2562. 2563. 2564. 2565. 2566. 2567. 2568. 2569. 2570. 2571. 2572. 2573. 2574. 2575. 2576. 2577. 2578. 2579. 2580. 2581. 2582. 2583. 2584. 2585. 2586. 2587. 2588. 2589. 2590. 2591. 2592. 2593. 2594. 2595. 2596. 2597. 2598. 2599. 2600. 2601. 2602. 2603. 2604. 2605. 2606. 2607. 2608. 2609. 2610. 2611. 2612. 2613. 2614. 2615. 2616. 2617. 2618. 2619. 2620. 2621. 2622. 2623. 2624. 2625. 2626. 2627. 2628. 2629. 2630. 2631.

Q. How long have you been there? A. One year.

... ..

Q. And you're not sure of the date? A. About 60 I think, somewhere about that date.

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... .. A []

... ..

... and of afternoon lunch and

Q Did you know them? A I knowed them all my life, nearly raised up to gether. Old man Steve he raised me on Joe Lynch's place.

place.
Q Did you know Indian people and his wife? A Yes sir.

Q Did they live together at the summer house?

2. The the

Bill never come at that time. Old man Steve come town horse back

and stayed around here a month nearly, him and old man Nathan Tynor. There was a whole herd big herd of them come down and stopped on me, then went down to Mrs. Landrum and stayed there two weeks and then come back up and all fixed up and went to Kansas.

Q And while Steve was here he employed you to help move him down did he? A Yes sir, to haul a load for him.

Q Are you some relation to Steve? A No sir, no kin. All just together, one man owned owned us all, all right on one place, excepting Steve's brother.

BY MR. DAVENPORT:

Q You go by the name of Anderson Lynch and also by the name of Crap, don't you? A Yes sir.

Q And you were up in Kansas during the war yourself, wasn't you? A Yes sir.

Q Were you ever in a county up there later Center was the County Seat of, ever around Neosho Falls? A Yes sir, I was up there.

Q What did you run off from there for? A Never run off.

Q Didn't they indict you up there for something? A Had in for killing a fellow up there.

Q And you skipped out? A No sir, I didn't, stood by trial and come clear.

Q That was in 1866 wasn't it? A No sir, it was the time the war was going on.

Q I will ask you if you were not in the county that Neosho Falls, Kansas is in in 1866, and the records of the court doesn't show that you were indicted for a crime there at that time? A No sir I wasn't there then.

Q Do you deny being in the county in 1866? A No sir, I wasn't there.

Q How many of these Freedmen cases have you testified in? A I don't know how many, I don't know how many, I guess;—

Q About how many do you claim to know? A I know pretty near every one all over the Cherokee Nation.

Q I will ask you if every case you testified in in behalf of the Freedmen, if you haven't sworn positively that they returned in 1866. A Not all of them, some I didn't for sure.

Q But you always swore to the best of your knowledge that they did return in 1866? A Yes sir.

Q And about three-fourths of these cases have been rejected and have been approved by the Department? A The reason is the old head was all dead.

Q You swore positively that they returned and the other people swore to the contrary? A I don't understand.

Q You are the same Anderson, or Crap Lynch that swore at Vinita that you got a horse to testify for a man? A I didn't have any trouble with any horse.

Q Didn't you testify at Vinita that a man-out there gave you a horse to testify in his case? A No sir.

Q You deny it do you? A I don't know anything about that.

Q You have been a regular witness since April 1, 1861, from place to place where this Commission has been sitting to hear testimony in Freedmen cases, haven't you? A Yes sir, that

Q The Bill he belonged to when he was a slave, either Sid Ball or Bill Huffington? A Yes sir, he belonged to the first one, the one I owned with

Q Do you know who he belonged to? A He belonged to Bill Huffington and as well as I know

Q Do you know of your own knowledge to whom Bill Huffington belonged at the breaking out of the war of the rebellion? A No sir, I don't exactly know but he belonged in the family.

- Q Did you know where Bill Bevington went during the war?
A He was at Mayesville and the soldiers took him and dropped him at Fort Scott.
- Q Were you along with him? A No sir, but I saw him afterwards.
- Q You don't know how he got there? A No sir, only what he told me.
- Q Now you say Steve Henry came down to the Cherokee Nation before you claim you went up after him? A Yes sir.
- Q Where was he living after you got up there? A On a creek they called Little Sugar, or something.
- Q You saw him on a creek somewhere? A Yes, they called it Big Sugar.
- Q Did Steve have a team of his own? A Yes sir.
- Q How many horses did you take up to have him down? A Only one.
- Q Did you really have Steve? A He had, there was about three hundred acres of his wife.
- Q Do you want us to believe that a man then with his wife and three children owned a team of his own that quickly after the war would want to move the one wagon to come out, family down to the Cherokee Nation? A He only had then two wagons, his brother didn't have nothing.
- Q Did Steve have a team of his own? A Yes sir.
- Q You were told to go out there to help him move down to the Cherokee Nation? A Yes sir, and had to go, and his brother was helping up on top of my horse on and there is both others here knows.
- Q You know he was in '67 that you never came with him until in the fall of '67? A No sir, it was in '65 and '67.
- Q Now why wasn't it? A I come down in '65 and in '67 Steve was back then.
- Q What happened in '67? A I was in the State of Texas.
- Q Did you see him with a son I think you got a place.
- Q You think that? A Well as I know he got a place near on.
- Q What was the place in '68? A I know Steve Henry was here?

Mr. Halper: I object to all this.

On behalf of the Commissioner: Objection noted.

- Q He lived here on the place.
- Q How do you know he was on the place? A In '67 and '68 Steve was there.
- Q Who was on the Lynch place and Steve got here? A He.
- Q Any one else? A My brother Art and Jesse.
- Q Was any of the Lynch family on the farm, the Cherokee Nation? A Yes, Lon Lynch was up and rented the place to all of us.
- Q And Steve Henry got there and was living on the place before Lon Lynch got back there? A He wasn't living there.
- Q How far from the Lynch farm was he living? A I couldn't tell just exactly.
- Q Didn't you tell us while ago that he moved back in one of the houses which he had moved out of? A It must have been 200 yards.
- Q He was on the Lynch place? A Yes sir.
- Q Had Lon Lynch come back when Steve came back? A Yes sir, Lon Lynch had come back and moved down on Flint.
- Q Then Lon had been back to the farm after the war closed when Steve came there? A I never kept track of that but any how he came back there and Lon let him have some ground.

Q. Did he ever move his family before Lon came? He had to come with his family then, his family was back up there, and he had a uniform and got me to haul a load for him.

Q Now, how long before his family came on the road to the Cherokee Nation was it you claimed that Stone Henry came down to get you to join him in moving? A It was in that same year.

Q. I think that's about 12 months in a year, is that before that?
A. I didn't work over a year or so.

Q. Now, after you went back home until you started in there to love him? A. It was along in the fall, nearly Christmas when I started in with him and Maryam.

Q. Did you see any other people there?
A. Yes, I saw a man, a white man, a young man, I don't know his name. A. I don't know how long
it was, I don't know how long those of them were there as far as I
could tell it.

Q. There wasn't in much of a hurry about looking for a car, he? A. He
wasn't. He was, however, somewhat of a nervous man.

Q. And that's when you saw the job and you brought it home?

A. J. Auer

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

... I don't know any-
thing about an individual with him.

But she hadn't moved from the place of her
 bowed and stretched body and face.

COMMITTEE OF THE COMMISSIONER:

1. The first of these is the fact that the system is not a simple one, and that the results are not always the same.

THE UNIVERSITY OF CHICAGO PRESS

Q. I have a question about the 1990-1991 season. I was told that the 1990-1991 season was the best season for the fishery. Is that correct?

Q. Was the light in the house at all bloody? A. Yes sir.

Q. Yes, sir.

BY _____, DEPUTY :

Q Now about this horse, Mr. Dave, were you close to you shot, were you
anywhere close to this Commissioner for a horse for testi-
fying? A No sir, there was.

[illegible]

What year was the first letter to: 1862 or 1867?

I think the best way to do it is to have a time limit, the time
14-00000

... how long the first time? / ...

to the 1000 ft. level.

Long, L. and later 1962. Our study of the ...

THE UNIVERSITY OF CHICAGO

Q. When did you return to the Cherokee Nation? A. '65.

Q What season of the year? A It was along in the winter, I
couldn't tell for certain.

Q Did you ever hear of anyone before you went to jail, how'd Steve Lynch?

(continued)

1. The first of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the results of its investigation of the activities of the American Friends Service Committee in the Philippines.

... I think I

(continued)

-8-

- Q And the other one, what is her name? A Yes sir, Jennie, I testified of the old folks, the father and the mother of these children.
- Q You testified in Bill Vann's and Jesse Vann's cases in their trial before this commission? A Yes sir.
- Q And you telling the truth then? A Yes sir.

WITNESSES EXAMINED.

MELLIE RYE, being first duly sworn, testified as follows:

Q Now, MELLIE:

- Q What is your name? A Mellie Rye.
- Q Where do you live? A On Grand River.
- Q What is your post office address? A Ketchum.
- Q Are you a citizen of the Cherokee Nation? A Yes sir.
- Q Are you enrolled as a citizen of the Cherokee Nation? A Yes sir.
- Q Are you enrolled on the 1880 roll? A Yes sir.
- Q Are you a citizen of the Cherokee Nation at the commencement of the war? A Yes sir.
- Q Did you go out of the Cherokee Nation during the war? A Yes sir.
- Q What did you do then? A In '66.
- Q What time of the year? A In the fall of the year, in October.
- Q Where were you with Stephen Henry and his family wife, Indian wife? A Yes sir.
- Q Before the war? A Yes sir.
- Q Do you now when they returned to the Indian Territory after the war? A No sir, I seen Steve come to our home in the fall of '66 home back, him and Rex Adams, when we were living on the Thompson place.
- Q What is that, Dr. Thompson's place? A Yes sir.
- Q Big white house? A Yes sir.
- Q Then when did you see Steve again? A Not any more until about in the winter just before Christmas. Then Martha Lynch died and she went up there before she died for me to come down to see Martha and she died the night after we got there, and Indian Peggy, my Edie, Simon's wife, and myself dressed her, and that is the first time I seen her after she got back.
- Q What year? A In '66, it was.
- Q Do you know where Indian Peggy was living at that time? A In that old log house right side of the road what Steve lived in before the war.
- Q Did you see Steve there then? A Yes sir.
- Q Were you acquainted with Julie, her daughter? A Yes sir.
- Q Is she living now? A No sir.
- Q Are you acquainted with Bertha? A Yes sir.
- Q Who is Bertha? A She is Julie's daughter.
- Q Who is Bertha's father, do you know? A Jake Bean.
- Q Where you living when you went down to this place where Martha died? A Living on Dr. Thompson's place in Delaware District, when Thompson owned the place now.
- Q Where were you living there? A Yes sir, Greg and Art both lived there, and Tobie, her brother.
- Q Any one else? A No one else only Steve.
- Q Steve what? A Steve Lynch, he lived on the same place but not in the same house.
- Q What is when Martha died? A Yes sir.

- Q Did Simon Lynch live around there any place? A Yes sir, down on the river from there in a log house, northeast of there, Simon and his wife they first lived, when we moved down here, Simon lived on what we called the Dirsteater place, we found Simon living there when we moved down here and he moved from there close to the Lynch place.
- Q What was that place called where Simon moved to? A Town on the old Lynch place there, Joe Lynch's old place is where he was living in a little old white log house, I don't know whether it was a house Pigeon lived in or not.
- Q Did any one else live in that Dr. Thompson's house when you did?
- A Yes sir, Andy Frye, Tom Schrimsher, Mose Hardrick and Jesse Lyons and Uncle Tom and Uncle Butler lived in the same building but they lived up stairs, we had these rooms below and Uncle Tom and Butler McHair lived up stairs.
- Q You say Mose Hardrick lived in that Dr. Thompson house? A Yes sir.
- Q That year was this? A That was in '67 he all summer there.
- Q What time of the year did you move into the house? A In the fall of '66.
- Q What time of the year did Mose Hardrick move in? A In the winter.
- Q What time of the year did Jesse Lyons move in? A I believe it was in February in '67 he moved over there from Cabin Creek.
- Q Who is Andy Frye, your husband? A He is.
- Q What time did Tom McHair move into that house?

Mr. Liverpool: He won't say anything about him, I object to that.

ON BEHALF OF THE COMMISSIONER:

- Q You say that Stephen Lynch when he first moved down from Kansas moved to the Dirsteater place? A No sir.
- Q Which is the first place he moved to? A I don't know which is the first place he moved to, but the first time I seen him, him and Rex were there and stayed all night.
- Q I am speaking when he moved his family too? A I don't know, but I know when we Lynch and his family they were living on the Lynch place.

BY Mr. LAMBERT:

- Q Didn't you swear in the case of one of the Curry children that were applicants, that Charlotte Curry died and was buried on the left of Grand River with small pox? A Not as I know of.
- Q You testified in the case of one of the Curry ~~XXXXXXXXXXXX~~ or Adairs, didn't you testify in one of those cases? A No sir, not as I know of.
- Q Didn't you testify in the case where some of the colored people were applicants here for citizenship, where they were known as Curry or Adair or Martha Harris case before the Commission? A I don't know Martha Harris.
- Q Have you ever been before this Commission before and testified for any body excepting in your own family's applications? A I think I have.
- Q You know whether or not you testified in any of those cases, don't you? A Why John and Charlotte, I don't know where they lived in Kansas.
- Q We ain't asking you about Kansas at all, the question is this, didn't you testify in the hearing had before this present Commission in support of an application of either one of the Curries, or Adairs, or Harris that Charlotte Curry, the mother of the children you were testifying for died on this left of Grand River with the small pox? A Charlotte died with the small pox on Grand River.

[illegible][illegible]

Q. Were you living when the treaty was made? ~~xxxxxx~~
~~xxxxxx~~ In 1865? A. Right there on the road.
 Q. How did you learn the treaty was made? A. Mr. Mohaniet and I
 both came by there and told me they were going down to the Creek
 to get dinner and for me to come down there and get a drink.
 Q. Did you come down there? A. Yes, sir.
 Q. How did you come down there? A. On horse back down the place.
 Q. How far did you come down there? A. About 10 miles.
 Q. How did you come down there? A. On horse back down the place.
 Q. How far did you come down there? A. About 10 miles.
 Q. How did you come down there? A. On horse back down the place.
 Q. How far did you come down there? A. About 10 miles.

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• JAVENPORT:

BY J. L. LAYTON:

CRG and the Department of Health and Human Services.

CONFIDENTIAL - SECURITY INFORMATION

BY MR. PULOCK:

- Q You say I have this horse creek right acrossed? A Yes sir.
Q Where did you go? A I went on to Grain Creek.
Q How long did you remain there around Spring Creek? A Just about
a week I think.
Q Then where did you go? A Back up to Grain Creek.
Q How long did you remain there? A Two or three WEEKS days.
Q Then where did you go? A Back to Kansas.
Q Did you ever back to the Cherokee Nation? A Yes sir,
that was first.
Q Did you go back to the Cherokee Nation after that?
A Yes.

Q EXHIBIT OF THE COMMISSIONER:

Q The time you were in the horse creek right up to the time
you came to the Nation? A Yes sir.

BY MR. PELL:

- Q Did you help Gray gather that corn? A In the fall of '88.
Q Then, after you went to Kansas and back, or before? A Before
I went to Kansas.
Q Did you ever went back to move? A Yes sir.

BY MR. PULLIN:

Q Where is Gray's corn? A Some of it is about a mile and a
half below Wichita.

BY MR. PELL:

Q You don't know where that corn was? A I think there were there
about a mile and a half below the Wichita place.

WITNESS EXAMINED.

W. A. BROWN, being first duly sworn, testifies that:

BY MR. PELL:

- Q What is your name? A Sarah Brown.
Q Where do you live? A Five miles to the other side of Grove.
Q How long have you lived there? A Yes sir.
Q Are you a citizen of the Cherokee Nation by blood? A Yes sir.
Q How long have you lived there? A I have lived there all
the time I have lived in the Cherokee Nation prior to the war of
secession? A Yes sir.
Q Did you remain in the Cherokee Nation during the war of secession?
A Yes, I did.
Q Did you return to the Cherokee Nation after the war? A I returned
the next year because of peace.
Q Where did you return to? A Up here on what they call Timber Hill,
just about this side of Cherokee, Kansas.
Q How long did you remain there? A We came on the next spring, on my
brother moved to what they call the Lynch Mills on Savinaw.
Q What was your brother's name? A Bill Brown.
Q What was your name then? A Alice.
Q What did you do after that? A I went to the Lynch Mills.
Q How long did you live around the country there? A Going on three
years.
Q Where did you live there? A I lived there at the old place.

Q Can you tell me what time the witness roll was made? A No sir.
Q Can you tell me what time the Kern-Clifton roll was made? A No
sir.

Q What is your name? A Phil [unclear]
 Q How old are you? A I'm 19 years old.
 Q Where were you born? A I was born in [unclear] near [unclear].
 Q How long have you lived there? A I have lived there for [unclear] years.
 Q What is your father's name? A [unclear]
 Q What is your mother's name? A [unclear]
 Q How many children do you have? A I have [unclear] children.
 Q What are their names? A [unclear]
 Q How do you support your family? A [unclear]
 Q What kind of work do you do? A I work as a [unclear]
 Q How much money do you make? A I make about [unclear] dollars a month.
 Q Do you have any other sources of income? A No.
 Q How do you spend your money? A I spend it on food, clothing, and other necessities.
 Q Do you have any debts? A No.
 Q How do you get along with your family? A I get along well with them.
 Q Do you have any friends? A Yes, I have several friends.
 Q How do you spend your free time? A I spend my free time with my friends and family.
 Q Do you have any hobbies? A I like to read and listen to music.
 Q Do you have any religious beliefs? A I am a [unclear] Christian.
 Q How often do you go to church? A I go to church every Sunday.
 Q Do you have any other activities? A No.

Q What is your date of birth? A [unclear]
 Q Where were you born? A [unclear]
 Q How long have you lived there? A [unclear]
 Q What is your father's name? A [unclear]
 Q What is your mother's name? A [unclear]
 Q How many children do you have? A I have [unclear] children.
 Q What are their names? A [unclear]
 Q How do you support your family? A [unclear]
 Q What kind of work do you do? A I work as a [unclear]
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 Q Do you have any hobbies? A I like to read and listen to music.
 Q Do you have any religious beliefs? A I am a [unclear] Christian.
 Q How often do you go to church? A I go to church every Sunday.
 Q Do you have any other activities? A No.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Court at [unclear] this [unclear] day of [unclear], 1965.
 [unclear]
 That is your name? A Andy Frye.
 Where do you live? A About 15 miles southeast of Vinita.
 What is your address? A [unclear]
 How long have you lived there? A 2 years.
 What is your father's name? A [unclear]
 What is your mother's name? A [unclear]

Are you acquainted with his father? Yes No

me? A lot, yes.

... associated with her mother? A ...

1907

What is the purpose of the study?

Q. Now, did you say that you were not sure if you were going to be able to find out who was going to be in the room?

...the place of a police citizen as the policeman of ...

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the situation.

01 LAURENCE, PIERRE.

"off" - I'll come on 160.

1. The first step is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

11. How do you know Harry or Lynch is the son of the lion?

Q. How did you first see him? A. Well, at work in the neighborhood
I think I saw him the first of October, and I saw him there where
I was living.

At this Joe. There's only place? " Yes, Mr.

Mr. Martin, Rose Gardner, and Lyon, Tom Moore, Louis
C. Harshbarger, and the Williams family.

Q. Did you begin in the office? A. I think I started there in February '64.

How did it come about that I was able to find out about the one person
who had come along the same road as all those who were in the center?
The police, and Schröder, they are the ones who found them with us.

is there, as the author of the book on the subject of the

order, I don't recollect. I was alone and the room
was empty.

Q Did you see him then? A I think I saw him & changed on.

[Faint, illegible handwritten notes]

1. The church is a place of worship and a place of community. It is a place where people can come together to worship God and to support one another. It is a place where people can find a sense of belonging and a sense of purpose.

11. I never heard of a living person in the Lyric place
until I moved there. Because I never work there but go and

...because I never went there out of the
way the night Martha died, I took a little more time and I

...ly, the Lynch, "they live in the same place, but
my wife says he was living there then.

When was this Martha dead? A. Sometime about Christmas when

1. The first step in the process of the development of the new curriculum is the identification of the needs of the community. This is done by the community development workers who are working in the area. They identify the needs of the community and then they develop a curriculum that meets those needs. This is done by the community development workers who are working in the area. They identify the needs of the community and then they develop a curriculum that meets those needs.

...the

[illegible]

RE PLANTING: I object to this. The evidence is that the
 ground is, if proper, not proper for planting, and not to be con-
 sidered as a planting ground. The ground is not a planting ground.

1. The first group of people who are affected by the disease are those who are in the process of being treated for the disease. This group is often referred to as the "treatment group" and is typically the focus of clinical trials. The second group of people who are affected by the disease are those who are in the process of being treated for the disease. This group is often referred to as the "treatment group" and is typically the focus of clinical trials.

Caf Nicks

19. *Author's address:* Department of Statistics, University of California, San Diego, La Jolla, CA 92037, USA

... ..

Q. Now, you said you didn't know where he was, but you did know he was in the area of the school? A. Yes.

Q Why I did once.
A That was in the little Cash case.

Q What came in that? A That was in the other back case.

Q At what request did you testify? A I think Mr. Bell asked for
it.
Q You were subpoenaed by the Republic Nation? A I don't know whether
I was subpoenaed or not. I don't know. I don't know.
Q Did you? A Yes.
Q I am an officer in the employ of the Republic Nation? A I
don't know.
Q Did you get any pay for that? A Yes sir.
Q How much did you get? A I believe they give me \$11.50 for
that.

Q Did you get any more money? A No sir.
Q Did you get any more money? A No sir.
Q Did you get any more money? A No sir.
Q Did you get any more money? A No sir.

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Q Did you get any more money? A No sir.

WITNESS EXCUSED.

proceedings were continued by adjournment on December 21, 1905, at nine o'clock A. M.

George H. Lessley, being first duly sworn, states that as agent in charge to the Commissioner to the Five Civilized Tribes, he reported the proceedings held at Muskogee, Oklahoma, and that the foregoing is a true and correct transcript of his said report.

George H. Lessley.

Subscribed and sworn to before me this 14th day of December, 1905.

My commission expires

(Seal)

Notary Public.

I, F. M. Bris, County Clerk, do hereby certify that the foregoing is a correct copy of the transcript as delivered to the Clerk.

F. M. Bris, Col
Notary Public.

Attest my hand and seal
June 11, 1906.

J. C. Starr of Lawful age on oth being duly sworn says that on the 10th day of february 1906 he mailed by registered mail in the post office at Vinita I T a package containging a true copy of the Motion to Reopen hereto attached;

also a true copy of,

The testimony taken in the Martha Bean Case on pco 7 1905:

The affidavit of Simon Lynch

Affidavit of Jackson Davis.

That the receipt hereto attached from the post master was the receipt for said package containg said copies and same were mailed to Well, Hastings & Davenport Attorneys for the Corporation Muskogee I. T.

J. C. Starr

Subscribed and sworn to before me this 10th day of february 1906

F. M. Briscoe
Notary Public.

My commission
expires June 24, 1908.

UNITED STATES OF AMERICA
INDIAN TERRITORY SS.
NORTHERN.....DISTRICT.

No..... Before Dawes Commission.

In the matter of the claim to Cherokee Citizenship of Daniel Lynch,
as a descendant of Cherokee Freedmen. .

Affidavit of ~~XXXXXXXXXX~~ Rev. Turner Weson. .

Turner Weson of lawful age being first by me duly sworn according to law on his oath deposes and says: My name is Turner Weson, I am 46 years of age, I reside at the present time in Muskogee, I.T. I am personally and well acquainted with Daniel Lynch, and have known him for the past 10 years. I formerly resided at Vinita, I.T. I was living in Vinita in the month of November, A.D. 1896. I am a regularly ordained minister of the gospel and have charge of a church, being a Baptist minister. I was a regular ordained Minister of the Baptist Church in November 1896 and have been for the past 19 years. On the night of November the third, 1896, at the residence of James Hicks, in Vinita, I.T., I did as such minister duly unite and join in the holy bonds of matrimony according to God's Holy Ordinances and the laws and customs of the Cherokee People Daniel Lynch and Miss Mary Grubbs, who was a citizen of the Cherokee Nation, being the descendant of Cherokee Freedmen. This woman is also known as Mary Ross.

I am not of kin to Daniel Lynch nor to Marry Lynch nee Grubbs or Ross, and have no interest whatever in this matter of citizenship enrollment. And further the affiant sayeth not.

T. W. Weson

Subscribed and sworn to before me this the 4th day of June, A.D. 1901, at Muskogee, I.T.

William A. Hickey

Notary Public.

My Com. Ex. Mar. 31" 1903

BEFORE THE DEPARTMENT OF THE INTERIOR,

Washington.

To the Honorable,

The Secretary of the Interior.

In the matter of the application of Daniel Lynch, et al. for enrollment as Cherokee Freedmen,

Daniel Lynch, et al.,

Cherokee freedmen D-

UNITED STATES OF AMERICA,
Indian Territory,
Northern District.

SS.

Personally appeared before me, the undersigned, a Notary Public in and for the Northern Judicial District of the Indian Territory, TOBIAS BEAN, to be well known to be a man worthy of the utmost confidence and belief, and after being first duly sworn, on his oath says:

My name is TOBIAS BEAN; my post office address is Ketchum, Indian Territory; I am about 67 years of age; I have resided in the neighborhood of where Ketchum now is, all my life, except a few years that I was in the state of Kansas during the rebellion.

At the commencement of the rebellion, I was a slave of "Bill" Pen Adair, a Cherokee citizen, and lived five miles southwest of Lynch's prairie with my master. (This Lynch's prairie belonged to Joe Lynch at the commencement of the rebellion, and I lived five miles southwest of Joe Lynch's home). Joe Lynch's wife was Bill Penn Adair's aunt. The Lynch's and the Adairs visited back and fourth all the time and I was well acquainted with all of Joe's family and his slaves. At the commencement of the rebellion, Joe Lynch owned a slave by the name of Steven Henry (Lynch).

In the summer of 1862, the Federal soldiers came into our neighborhood, and gathered up all of us slaves and took us to Ft. Scott and north of there. We all scattered in Kansas and I finally located in Mound City, Kansas. I remained in Mound City a couple of years and then moved out to Anderson county. I remained there until the fall of 1866. Then a number of us colored people returned to the Cherokee nation.

In August 1866, the man from whom I rented a farm- the one on which I was then living

Tobias Pean, Page 2.

told me that the Cherokee treaty had been ratified, and advised me that I ought to go back to the Nation and get the rights given me by the treaty. I talked the matter over with a number of my Cherokee friends and neighbors, and with some of the white folks, and we all agreed to prepare to return to the Nation. I and my crop of corn to a man by the name of Colma, and came to the Cherokee Nation in company with a number of freedmen refugees among which were George W. Vann, Lewis Martin (Cherokee freedman Deane), George Pean (His children are now rejected), and many others.

There must have been 25 or 100 in the train. We reached Horse Creek in the fall of 1860, and a party of white men and half-breeds came up to our party and killed three men who were walking with me. (See record in my case, -- TOBIAS PEAN -- where the date of the Horse Creek fight is disputed by the Cherokees.)

We went from Horse Creek south to Spring Creek, about 15 miles. We stayed at Spring Creek about two weeks, and then came back to Anderson Lynch's home at the mouth of Cabin Creek. This was on the west side of Grand river, and just across the river from Lynch's prairie.

I stayed with Anderson Lynch until I had built a house for my self and family, just north of the mouth of Cabin Creek on the east side of Grand river. While I was living with Anderson Lynch, in the late fall or early winter of 1860, Steven Henry Lynch, the father of Daniel Henry Lynch, this applicant, moved into the house in which he had lived at the commencement of the rebellion. This was on Joe Lynch's old place, and had been used by Steven as a slave of Joe's. Steven lived in this house until he could build him a new log house.

I remember this date so well, because Steven's first wife was my aunt, and we considered him one of the family.

We had quite a large family of children, Jess, Bill, Nellie, Julia, and several others.

I have known this applicant, Daniel Henry Lynch, since he was a baby. His parents and I, lived neighbors.

I know and swear that Steven Henry Lynch, this applicant's father

Tobias Beare, Page 3.

came to the Cherokee nation and located in his old home place on Lynch's prairie in the year of 1861 before Christmas.

The date is clear to me, as I was wounded in the "Horse Creek Fight" and was unable to work on a house for my self for some time after reaching Anderson's place, and had just begun to cut the logs to build my house when Stephen came into the country. As soon as he came in, I went over to his place to see him and he was asking me about my lame arm.

I have known Stephen all my life and I know that if he were alive he would be entitled to enrollment as a Cherokee freedman. I have known his son, Daniel Henry Lynch, all his life and I know that he is entitled to be enrolled as a Cherokee freedman, as his father was living there on Lynch's prairie in the winter of 1861, and Daniel was born there and has lived in the Cherokee nation all his life.

I have no interest in this case, and I make this affidavit that justice may be done a deserving freedman's descendant.

J. C. Starr
Notary Public

Tobias Beare
witness

Subscribed and sworn to before me this 8th day of November, 1905.

J. C. Starr
Notary Public.

My Commission expires May 22, 1906.

MARRIAGE LICENSE.

United States of America,
Indian Territory,
Northern District.

ss.

No. 1248.

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE--GREETING:

You are hereby commanded to solemnize the rite and publish the banns of matrimony between Mr. W. L. Landrum of Chaffee, in the Indian Territory, aged 30 years, and Miss Lucy Eaton, of Chaffee, in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal at Vinita, Indian Territory, this 28th day of March, A. D. 1901.

(SEAL)

Chas. A. Davidson,
Clerk of the U. S. Court.

By T. A. Chandler Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,
Indian Territory,
Northern District.

ss.

I, Jesse Rowe, a Minister of the Gospel, do hereby certify, that on the 31 day of March, A. D. 1901, I did duly and according to law as commanded in the foregoing License, solemnize the rite and publish the banns of matrimony between the parties therein named.

Witness my hand this 4th day of April, A. D. 1901.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book B., Page 191.

Jesse Rowe,
A Minister of the
Gospel.

NOTE: This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars (\$100.00)

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

ss.

I, Charles A. Davidson, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 6th day of May 1901, at----M., and duly recorded in Book K., Marriage Record, Page 317.

Witness my hand and seal of said Court at Muskogee, in said Territory this 9th day of May, A. D. 1901.

Chas. A. Davidson, Clerk.

By-----Deputy.

IN THE DEPARTMENT OF THE INTERIOR,

WASHINGTON.2

In the matter of the application for the enrollment of Daniel Henry Lynch et al as Cherokee Freedmen.

F. D. _____

United States of America,
Indian Territory,
Northern District SS

On this the 17th day of November A. D. 1906 personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory, duly Commissioned and acting as such Eliza Tucker, to me well known as a person entitled to full faith and credit and who being duly sworn on her oath deposes and says:

"My name is Eliza Tucker, my age is fifty-eight years and my post office is Vinita, Indian Territory. I am a duly enrolled and recognized citizen of the Cherokee Nation and my name appears upon the 1880 authenticated roll and upon the roll now being prepared by the United States and I have selected my allotment of land and received my allotment certificates therefor."

"I have lived in the Cherokee Nation all of my life and did not leave this nation during the Civil war. At the close of the Civil war I lived a short time around Chiloquah and later around Fort Gibson and was in Fort Gibson frequently during the year of 1864. In the Fall of 1867 I was making my home with my mother Winnie Nateliff at Fort Gibson and along about the latter part of October or early in November 1867 Jim Landrum

Sr and Arch Landrum came down in their wagons to Fort Gibson and moved ~~my mother~~ Winnie Nateliff and myself up to Grand river not far from the "Chin Creek Country and we moved into the house where Arch Landrum and Jim Landrum Sr were living and we lived there a few weeks or until Jim Landrum Nelson Moore and others built a log house near by and we moved into that."

"When we moved into the house with Arch Landrum and Jim Landrum Sr in the fall of 1867 Stephen Henry Lynch father of Daniel Lynch, was then

living in a log house on a farm he had started to make. He was at this time gathering his corn and had made a crop on this place in the spring of 1867. The house looked like it had been built about a year and I often visited there and Stephen Lynch told me that he had come down the fall before, the fall of 1866 and had moved into a house in which he had lived before the war on Joe Lynch's old place and had stayed there a short time until he could build him a log cabin on his own place where he had built a log cabin and cleared out some and had a small crop in in the year of 1867. He told me that after he made his crop in the spring of 1867 he went up to Kansas and left his family here and worked to get provisions. That he did not take any of his things with him but went up alone and left his folks to take care of his crop and the cabin and their things while he was gone. I know that Stephen Lynch has lived in the Cherokee nation from the time I saw him in the fall of 1867 until he died and that his son Daniel Henry Lynch has always resided in the Cherokee Nation. Stephen Lynch was not living on the old Lynch Place when I saw him in the fall of 1867 but he was living in a cabin of his own away from this place."

" I am acquainted with the general reputation of Walter West in the community in which he lives ~~and~~ for truth and I know that reputation is bad. Walter West is generally known to be much prejudiced against Cherokee Freedmen and he followed the Commission from place to place to testify against all of the Cherokee freedmen that he could and he was a standing witness for the Cherokee Nation for a long time and testified in a great number of cases. I also knew C. L. Lynch and knew him to be very bitter in his prejudice against the Cherokee Freedmen and I know that he testified in a great number of cases against Cherokee freedmen and followed the Commission from place to place to get to testify against

Freedmen.

J. R. Rogers, Clerk 25 ----- *Wm. C. Starr*
Wm. C. Starr Notary Public
Subscribed and sworn to before me this 17th day of November 1898.

Wm. C. Starr
Notary Public.

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF JAMES HENRY ET AL

as Cherokee Freedmen.

In the matter of the application for the enrollment of James Henry et al
as Cherokee Freedmen.

United States of America,

Indian Territory

Northern District SS

On this 10th day of November 1905, personally appeared
James Henry et al the undersigned before me for the Northern
District of the Indian Territory and they being by me first duly sworn on oath depose and say:

"My name is Andy Fry, whose age is 69 - years and my post office
is Hetchum I T I enrolled as a Cherokee freedman and have selected my
allotment of land and have my allotment certificates therefor and my name
appears upon the 1880 roll. I went to Kansas during the war and returned
to the Cherokee Nation and located on Grand river in 1866."

"I am acquainted with the applicants in this case and knew Stephen
Lynch before the war and I remember of seeing him on Grand river in the
fall of 1866; he came to my house and visited us when he first came down
and some time in the winter of 1866 before Christmas he set up camp
with the corpse when Martha Lynch died. Stephen Lynch and his wife
Peggie were at the place that night and both set up with me and my
wife with the corpse. Peggie Lynch (widow of James Lynch) helped my wife
to wash and dress the corpse. In the late fall of 1866 Stephen Henry
Lynch, father of James Henry Lynch, this applicant, moved into the house
in which he had lived before the war. The house was an old house and had
about rotted down and he only remained in this house a very short time
until he built him a cabin of his own down the river and moved into it
with his family and cleared out a small piece of land and put in a tract
patch in the spring of 1867. He continued to live in the Cherokee Nation
from the fall of 1866 until his death. We lived as neighbors and I had
been well acquainted with him before the war. I have known James Henry
Lynch since he was a boy."

I am well acquainted with Walter West who testified in this case and have known him for many years. He is very bitter in his hatred of a colored man and is much prejudiced against the Cherokee people so much so that he followed the Standard as a standing witness for the Cherokee nation and testified against whomever he could. I know of instances where he testified to matters that were not true and I know they were not true and in instances where he was testifying against a Cherokee person I would not believe him on oath."

"I am well acquainted with G. L. Lynch and have known him for many years and I know that he is very bitter in his prejudice against a colored person and that he is much prejudiced against the Cherokee people."

Witness to Court Public
J. J. Smith
J. J. Smith

W. J. Smith

Subscribed and sworn to before me this 10th day of November, 1900.

H. Starr
Notary Public.

39595

307086

3

4894

NOTARY PUBLIC

Subscribed and sworn to before me this 18th day of November 1888.

IN THE DEPARTMENT OF THE INTERIOR
WASHINGTON.

In the matter of the application for the enrollment of Daniel Lynch
et al as Cherokee Freedmen.

United States of America,
Indian Territory
Northern District SS

Subscribed by Daniel of lawful age being duly sworn on
his oath says:

"My name is Columbus McHair and my age is Fifty-five years and my
post office address is Vinita I. T. I am on the 1880 roll and have
been allotted my share of the land in the Cherokee nation and have my
allotment certificates therefor. I have lived in the Cherokee nation all
of my life except during the civil war. After the close of the war I
returned to the Southern part of the Cherokee nation and came on up to
Fort Gibson. I came up Grand river in the fall of 1866 and came to the
Lewis Hall place about November 1866. The Hall place is on the west side
of Grand river and I crossed the river about the first of January 1867
and at that time Stephen Lynch father of Daniel Henry Lynch was living
in a new cabin that he had built and was working on at that time, he had
before that time lived in a house on the old Lynch place where he lived be-
fore the war but at this time he had built a new cabin on the place he
improved and was making the improvements there. He had his wife Fannie with
him then and they both continued to reside in the Cherokee nation all of
their lives and are both now buried at Indian Ford grave yard. I was
present when both of them were buried. A young lady by the name of Martha
Lynch had died a short time before I crossed the river and I was at the
Hall place and heard of the death of the young lady and I knew it was
in 1866 before I went across the river. I have known Daniel Henry Lynch
all of his life. I know G. L. Lynch and Walter who have testified
in this case and have known them for a long time. I know them both

are so prejudiced against the Cherokee freedmen that they would not believe what either one of them would testify in a Freedman case. They followed the Commission as standing witnesses for the Cherokee Nation and went from place to place testifying against all the freedmen they could.

Witness

J. C. Starr
Notary Public

Columbus, Miss.
His Honor
J. P. McPherson
Notary Public

Subscribed and sworn to before me this 18th day of November 1908.

J. C. Starr
Notary Public.

In the United States Court, Northern District Indian Territory
Sitting at Vinita, I. T. January Term 1905 (1906?)

Charles Smith,

Vs

No ----- Law.

Grant Alexander,

Charles Smith, Plaintiff herein, for cause of action against defendant
avers:

That he is the legal owner under a certificate of allotment issued to him by the Commission to the Five Civilized Tribes, and as such entitled to the immediate possession of the following described lands and tenements, situated in the Cherokee Nation, in the Indian Territory, as follows to wit: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section Twenty-five (25) Township Twenty-three (23) North, range Twenty (20) East.

That the defendant unlawfully detains the possession of the same from Plaintiff- after legal demand made therefor- and that notwithstanding said demand- and said unlawful detainer of the possession thereof, said defendant refuses to depart therefrom and still occupies and holds the same by force."

"That by reason of the unlawful detainer of the said premises plaintiff has suffered damages in the sum of \$ _____"

"Wherefore Plaintiff prays judgment against defendant for the possession of the said lands and for damages in the sum of \$ _____ Dollars and for all relief proper in the premises."

(Signed) Chas B. Rogers,
Attorney for Plaintiff."

Indian Territory
Northern District SS

Cully D West, being duly sworn upon his oath deposes and says that he is a resident of the Cherokee nation, and is 23 years of age, and that he is the duly qualified agent of Charles Smith, plaintiff in the foregoing attached complaint, and that he knows that said plaintiff is entitled to the immediate possession of the lands and tenements described in the said complaint- and further that demand has been made upon the said defendant Grant Alexander, for the immediate vacation of the said premises and that said defendant unlawfully detains the possession thereof from the said plaintiff.

(Signed) Cully D West.

Subscribed and sworn to before me this 7th day of November 1905.

Notary Public.

United States of America,
Indian Territory
Northern District SS.

Daniel Henry Lynch of lawful age being duly sworn on his oath
deposes and says

"my Name is Daniel Henry Lynch, my post office is Vinita I. T. and
I am the applicant for enrollment as a Cherokee Freedman listed as P. D
316.

I am now the owner of the improvements located upon the land that my
father Stephen Henry Lynch first made in the Cherokee Nation after the war
located in section 25 Tp 23 R 20 and I have a farmer on said land, my
said tenants name is Grant Alexander. Cully D Vest and Charles Smith have
been trying for some time to get my renter off of the place so that they
can obtain possession of it. I have been unable to file on the land because
my citizenship was pending and I was finally rejected. The said Charles
Smith has filed a suit against my tenant in forcible entry and unlawful
detainer and the writ hereto attached has issued out of the United States
Court for the Northern District of the Indian Territory at Vinita and has
been served on my tenant who has just given a retainers bond to keep from
being thrown off of the place instant and the trial is set for January
2nd 1906 in the U S Court at Vinita.

This is the first notice I have had that any person had filed on the
land on which my improvements are located and I have been helpless to pro-
tect myself for the reason that I have not been permitted to institute
contest proceedings.

Charles Smith does not own any improvements on my land and does not
claim any and his only claim is that I have been denied enrollment and
he wants to take my improvements away from me.

Daniel Henry Lynch

Subscribed and sworn to before me this 20th day of November 1905.

J. C. Blair
Notary Public.

IN THE DEPARTMENT OF THE INTERIOR

WASHINGTON, D. C.

In the matter of the application for the enrollment of Daniel Lynch et al as Cherokee Freedmen.

United States of America,

Indian Territory
Northern District OK.

Hillie Frye, of lawful age being duly sworn on her oath deposes and says:

"My name is Hillie Frye, my post office Ketchum I. T. and my age is sixty nine years. I am a Cherokee freedman duly and lawfully enrolled as such and my name appears upon the 1880 authenticated roll. I have selected my allotment and received my allotment certificate therefor.

"During the war I went to Kansas and returned with my husband Andy Frye, and Leander Jean and others in the fall of 1864. We came to Grand river in the Cherokee nation on the Baxter Thompson place and lived there and made a crop there and then moved onto a place of our own. I have lived in the Cherokee nation continuously since the fall of 1864. I was well acquainted with Stephen Lynch before the war. His children and his mistress were children. I did not go around very much after I came to the Cherokee nation after the war. I was at a funeral when Martha Lynch died. She was a sister of Andy Lynch. I got up with the corpse and I remember that Stephen Lynch was present and help us watch with the corpse that night. His wife helped us dress the corpse the deceased was a young lady and Indian Poggie, wife of Stephen Lynch helped us dress the corpse and also sat up with the corpse with me. This was but a very short time after I came in the fall of 1864 and that is my first recollection of seeing Stephen Lynch and his wife. My last recollection is that Martha Lynch died in the fall of 1864, some time before Christmas in 1864 at Ketchum.

"I know that Stephen Lynch father of the applicants in this case had located in the Cherokee nation with his family before Christmas of 1866 and that both he and his wife were living in the Cherokee Nation before Christmas of 1866 and that both were at the funeral of the young lady Martha Lynch."

"The first time I saw Stephen Lynch after we came to the Cherokee Nation in 1866 was late in the fall of 1866 he rode up to our house on horse back and he was then living in the Cherokee nation. The next time I remember of seeing him was when he and his wife sat up at the house with the corpse before Christmas of 1866."

"I know that Stephen Lynch father of the applicants resided in the Cherokee Nation from the fall of 1866 until he died and I know that his wife called Indian Peggie also resided in the Cherokee Nation from the time I saw them in 1866 until she died and both she and Stephen Lynch are buried side by side in the Island Ford Grave Yard."

"I am well acquainted with C. L. Lynch who testified in this case and I have known him practically all of my life, his mother was my mistress' sister. C. L. Lynch is most bitter in his prejudice against Cherokee Freedmen, and is much prejudiced and even more so against the Cherokee Freedmen as L. B. Bell senior is used for the Cherokee Nation."

"I am well acquainted with Walter who testified in this case and I know that he has made false statements before the Commissioners to the Five Civilized Tribes. I have been at the hearings at the Commission and I have heard Walter testify to matters that I know were not so. I know that Walter was so desperately prejudiced against the Cherokee Freedmen and in cases where he was testifying against Freedmen I would not believe him on oath because I know of so much false testimony he has given."

Witness to Mark

Subscribed and sworn to before me this 20th day of November 1881.

William H. Tye
Notary

John H. Tye
Notary

A D 1866.

9

- Jan.
1st
Monday At home. Paginton & family here. J. Q. Adams & McRay come in evening & all stay over night.
- Tuesday
2nd Paginton, McRay and Adams go home Bring Mrs. Smith & Vansandt in P. M. & they leave in the morning. I receive cash of J. H. Barlow \$10.00. Amanda comes to work.
- W
3rd Go to Linville. Go to Vansandts with Mrs. Smith and Mrs. Vansandt. Go home with Mr. & Mrs. Smith beyond the Post (Choteau's Trading Post).
- T
4th Continue survey for Howard Holderman and Whelchel in Sec. 9, T 21 S, Rang 25 East. Go at night to Holdermans.

Jan

A. D. 1866

10

- F
5th Survey for Priestly's, Hurleys & Francis on Sec six same Town 21 & R 25. Stay over night at Thom Cosbo. Receive of Holderman \$4.00 of Priestly \$2.50 of Hurley & Francis \$3.00 of Howard \$2.00.
- S. 6th Go to Fickes' mill, get 272 lbs. flour @ 8 cts per lb. \$19.04 one sack \$1.00 & \$4.42 cash total \$24.46
Paid to Sutton for B. Fouts for S. Lynch \$27.00 to Steve 100 lbs flour \$7.00 total \$36.00 & leaves \$57.98 due Steve.
- Sun. 7th Went to Mansfield & heard Mr. Fared preach. Went to Mrs. Reed in the evening.
- M 8 At home hauling fodder and Platting and Recording.

11

- T 9 At home Recording survey.
- W 10th Went to Sykes. Went to Mound City and worked in P. M. for Mr. Windship & Receive \$1.50 therefor. Pay \$1.00 for blank books.
- T 11th Survey for Sykes Anderson & Sharp & receive of them \$5.00.
- F 12 Putter with compass & chain for G. E. Dennison and charge 2.50. Send by mail to J. J. Emerson \$2.00 check from Joseph Johnson of Blooming, Ill.
- S 13th Went to Linville filed official bond with Deputy Clerk. Paid \$8.00 to Steve.

- S 14th At home, Rains in evening.
- 12
- M 15th Went to Mrs. Barbers to survey too windy so come back.
- T 16th Go to Mrs. Barber, s to survey. Creek so high from Sunday evening's rain that the water came over horses back remained here till thursday evening.
- W 17 At Mrs. Barbers Pleasant.
- T 18 At Mrs. Barbers colder.
- Frid. At home platting.
- Sat 20 Went to Linville. Paid \$50.40 & sent .50 to Mr. Johnson of Bloomington, Illinois.
- S. 21st At home Weather fine.
- Mon 22nd Went to Mr. Hawks to commence survey of road from his N. E. cor. on State line to Forest Mills. Weather very pleasant.
- T 23 Cold rain freezing as it falls. Stal all day at Mr. Hawks.
- Wed 24th Begin and end survey of said road & stay over night at Wm. Hairgroves. All things exposed silvered over with ice.
- T 25th Go to Bender, s & survey for him & M. Garrett. Receive \$4.00 therefor, Ice melts.
- F 26th Survey Wm. G. Scright & brother. Receive \$5.00 therefor. Misty day.
- Sat 27th Come home via Mound City. Stop at Jesse Browns.
- S 28th At home. Cloudy dark day.

January 1866

14

- Mon 29th Pay Steve \$5.00 for wood chopping hauling & c and go to Linville to commence survey of road from Linville toward Garnett in Anderson Co. &c.
- T 30 Continue said survey.
- W 31st Continue said survey T. P. & s ' then adjourn till 7th Wednes.
4th 5th At home went to Linnville.
6th Go to election vote for Mansfield for Co. Seat.

7th Continue said survey.

8 & 9th Survey Sec. 27 T 211 R 22 For Mrs. Lane.

Em. B. Emerson

10th At home. Went to Linville paid \$16.23 tax for Paginton, \$23.37 for Jno. H. Johnson & bought 43 lbs dried apples at .12 1/2 ct per lb. 5.37 & paid \$8.00 for apples previously bought. Rec'd. \$10.00 of J. H. Johnson per bal. due me. Paid tax on personal \$18.38. Balance still due from paginton is 7.23 besides balance last year.

11th At home, wrote letter for Billy.

12th Went to Linville to survey some changes in Linville and Garnett road. Staid over night at P. Crystals.

13th Proceed with alteration in said ~~xxx~~ road take dinner at Weaver's and go on to Jno. Burdue, s.

Feb. A D 1866

16

14th Very cold. Stay at Burdues all day & night.

15th Complete road.

16th Start from Burdue's home & arrive at night called at Janes & Paginton, s.

18th At home J. Q & family here.

19th Go to Moneka to survey for G. E. Dennison & the S D No. 2

20th Complete survey of school house Site at Moneka & attend election. Go to Mound city & pay may tax in Mound city Spr also R. A. tax \$10.00.

Feb A D 1866

21st Go to Linville and vote for R. Road appropriation Pay tax for Mrs. Wycoff \$9.57 S.P.E. \$10.00.

22nd Attend funeral of Mrs. Gibbons.

23rd At home.

24th Go with J. O. to Linville. He copy's field notes in P. M. go to church in evening & hear Kerran.

25th Go to Mansfield to church Mr. Jared Preaches. Mr. Tho. Barwick & Lina B. A. Barwick his wife here.

26th At home Platin & Recording.
 27th At home calculating content. Jo. spends \$5.00 at Mansfield.
 28th Same business.
 March
 1st At home put up notice for posting a Steer.
 2nd At home Recording & Platting.
 3rd At home Platting and recor.
 4th At home alone Transit

18

March
 M. 5th At home Platting and Recording. Jo. gets home from Mrs. Scotts.
 W T 6th At Linville and Garnett road record. Go to Mound City in the evening.
 W 7th Come home At Road Record (L & G road) in P.M.
 T. 8 Survey for Baskerville at Md. City.
 F. 9th At Road Record Linville and Garnett. Pag. & Steve trade Pag. pays Steve \$3.00 for me.
 Sat 10th At Road record L & G road. Steve worked yesterday for me being 1st day of months work. Mr. Wright brings a letter from Gen. Mitchell relative to Mrs. Massey's survey at the Post. Cloudy rains some.
 S 11th At home Darkness rain and hail last night windy this morning wind from the North.
 M 12th Go to Trading Post to work for Mrs. Massey.
 T 13th Commence survey of Trading Post. Rec takes sick.
 W 14 Continue same and
 T 15th Complete the survey of Trading Post.
 F 16 Get home & find Rec sick Receive \$24. of Mrs. Massey & \$1.00 to buy a stamp to put on Plat.
 S 17th At home At Plat of L & G road.
 S 18th At home.

M 19 At home 1/2 day at P. of L & G road.

T 20 Also at home 1/2 day at road Plat

20

March 1866

W 21st At surveying for D. Sibbet & get therefor \$4.45.

T. 22nd At home in orchard.

F 23 At L & G road plat Reo no better.

S 24th At Road Plat & Posted the white stray steer.

S 25th At home. Cold weather.

M 26th At home. At Plat of Road.

T 27th Go to Mound City. wet day.

W. 28th Complete of Road from L. toward G.

T. 29th Make return of survey of said road.

F. 30th Recording Linnville Road.

Sat 31st 1/2 day at R. Record 1/2 day at Reo Mrs/ Jared.

Apr.
1st At home with Reo convalescent.

M. 2nd At Md city made plat of Trading Post.

T. Borrow \$45.00 of Steve and pay him and \$65.60 including
Teakettle at \$1.75 and Guineas at .50.

W 4th Went to McDowell's with McRea. Went Md. City &
Trading Post.

T 5th Survey for Mr. Goss on Sec. 4.

F. 6th Finish for Goss & commence for J. Ross & Jac Fickes.

Sat. Finish for J. Ross & Jac Fickes & Received \$6.00
from Goss & \$5.00 from J. Fickes. Yet due from
Goss \$2.00 & from From Fickes \$1.00. Receives
\$6.50 of C. W. Hays in goods.

Apr. 1866

22

S. 8th (A card has been pasted in Diary here and cannot
tell what entry for this day is).

Mon 9th At J. W. Adams surveying orchard.

T. 10th At J. Q. Adams surveying orchard.

W. 11th Went to Martin Morris's and commenced survey of south boundary of Sec. 4. T 22 R. 25.

T. 12th Continue same survey.

F. 13th Go to Wm. R. Latta's farm & commence the survey of the same.

Sat 14th Complete the same & come home. Buy two horse collars for \$6.50 a bridle at \$3.00 & Snap, 2 large & 1 small one for \$0.50 total 9.80.

S. 15th At home. Mr. rees & Lady here.

M. 16th Go to Bodkins to Linnville to Chitwoods to Wansfield to J. Q. Adams & to Mitchell farm to see horses. Buy at Wansfield 18 oz Castile soap at .40 per lb. and a dime's worth of Rope at Linville.

17, 18 19 At home a surveyors record.

20th Went to J. R. Vansandt. Heavy rain yesterday & last night River very high today.

Apr. A D 1866 24

Sat 21st Spent the day in and around Ma. City & came home ineven.

Sund 22 Go to McRea, s. Gloomy wet day..

M. 23rd Go with McRea to see N.W. 1/4 of Sec 19, 21, 24, & go to Linnville. Barlow sick.

T. 24th At home all day 23rd & pag helped to raise shed but today went to Linnville &c.

W 25th Survey south line sec 14 21, 23, for Chitwood and Sparue. Get home about 5 o'clock P. M.

T 26th At home.

April A D 1866.

F 27 At home.

Sat 28 Go to Willis Sutton's with Pol to his horse. Go to Mound City. Get cash from Irege Co. Treas for Co. order to amt of \$65 55/100, Recd. \$1.00 from Jno. Whelchel for surveying done last winter. paid Steve 66 1/4 dollars in full of all demands.

S. 29th Hunt cows for Morae. Paginton, J.Q.A. & families here.

M. 30 Trim apple trees all day.

May

T. 1st Work at map making for Richard Hill.

W. 2 Platting today.

T. 3 Platting today.

S. 4 Platting part of the day & dropping corn part of the day for Morae.

26

May A D. 1866.

5

At Platting half the day. go to Mansfield to school meeting in P. M. Sell Strong & Bailey 8 gal vinegar at 30 cts per gal. buy shoes 2 pairs congress gaiters at \$2.00 per pair & lamp chimney cleaner at 30 cts. Blacksmith's bill 15cts. Total expenses 4.45 or. 2.40. Got home with family from Mr. Wrights at 10'clock after Mid night.

S. 6th At home. Am Sleepy, reading, choring.

M. 7th At home Platting. Myron Corban gets 800 & Mr. Jared 600 sweet Potato plants. Wet day.

T. 8th At home platting. Complete plat of Scott. Miss Howell gets 400 sweet potatoe plants.

W. 9th May 1866 Get 800 Sweet potatoe plants. Go to Mount City, Receive \$3.00 for Whitwood & Larue survey. Receive 8.00 for W. R. Letts survey. Pay Lawrence State Journal \$1.00. Work for Tompkins Probate Judge in P. M.

T. 10th Survey for Broadhead & D. V. Canen.

F. 11th Continue survey for M & D.

S. 12th Retrace or move stakes at entire corners to true corners. Get 30 cts. of colored boy, pay \$3.75 for bridle. Get \$2.00 from Myron Corban for Sweet potatoe plants.

28

May A D 1866, At home

M 13

Mr. Smith of Mount City here as well as Morae, who with Jo. & children went to meeting. Mr. Jared preached in Turkey Cr. Valley.

- M. 14th Went to Sec 30 T 22 R 23 to survey for Mr. Wilson, Wetherby & others. Reed \$3.00 due \$1.00.
- T. 15th Plat the Barber estate for Tomkins & came home. Buy goods of Strong & Bailey \$4.30. Heavy shower in fore part of night.
- W. 16th Buy goods notbut burn Prairie around the orchard.
- T. 17th Go to Richard Hills and take the Plat of Scott Township to him as per his order for which he is to give me 10 bush. wheat. Also get Mr. Foster to mend my plows for 2.75 & pay Mr. Jared for & Receive 1 bush. of potatoes for \$1.50, Total \$4.25.
- F. 18th At home copying notes. Go to Linnville, spend \$1.00 for 2 shirt bosoms.
- Sat. 19th At home copying notes. Rains just after dark.
- S. 20th At home. At S. School, at Sing. S.
- 21st Went to Mound City to commence road survey. Paid 80 cts for plow mending.
- T. 22nd Went back to Mound City & commenced road survey.
- 23rd Continued road survey and then adjourned till Wednesday the 30th inst.
- 30
- May A D 1866
- T. 24th Went to Mound City. Paid \$1.00 for repairing compass and chain.
- F. 25 At home copying notes of Pub. Survey.
- Sat 26th At home, made a beehive &c.
- S. 27th Went to S. School & preaching & no singing.
- M. 28th Helped McGee furrow out corn rows. Rains this morning.
- T. 29th Helped mark off some & went to the Co. Seat election & voted for Sherman at the Center.
- W. 30th Go back & continue the survey of the Linnville & Mound city road or Mound city & Linnville road. Receive a letter from Hepzibah.
- T. 31st May 1866.
Complete the survey of the Mound City and Linnville Road & got home just before the rain or a 5 o'clock J. D. McGee is still planting corn.

June
 F. 1st At home planting corn in P. M.
 Sat. 2 " " " " all day.
 S. 3rd Went to S. School. Water bound in the school house.
 Stopped at Mr. Jared on the way home.
 Monday 4 At home making hives.
 T. 5th Went to Mound city bought house of Mr. Huggins for
 \$125.00 for which I give my note.
 W. 6th At home making plat of Mound City & Linnville road.
 T. 7th At home making plat of road in A. M. went with Mr.
 Green in P. M. to show lands.
 F. 8th At Blue Mound &c with Mr. Green. 32
 Sat 9th East of Linnville with Mr. Green.
 Sun 10th Went to S. School.
 M. 11th Recd 9.00 Mr. Green of Michigan for showing him
 lands &c. At home at plat of Mound City and Linnville
 road.
 Tues 12th At home Recording field notes. J.Q.A. here copying
 field notes.
 W. 13th At home, very rainy water high.
 Th 14th At home choring.
 F. 15th Went to J. S. Reynolds to survey.
 S. 16th At same place.
 S. 17th At home. At Mopae's. At Jareds.
 M. 18 1/2 day at Recording & plating. 1/2 day at cowyard.
 T. 19th Went to Keller's & back.
 W. 20th At home at Recording road from Mound City to Linnville
 T. 21st Complete same &c.
 F. 22nd Copying notes in A. M. choring in the P. M.
 Sat 23rd Hoing onions.

S. 24th At home. Quinn. Pag. & Morae here.
M. 25 Help Steve cut wheat.
T. 26th Finish his wheat and ~~then~~ commence cutting my Rye.
W. 27th Completes Rye cutting.
T. 28th Go to Centerville Tp. to survey for Mr. Blackford on
Sec. 24, T 21 R 21 and Receive \$2.00 of him.

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June 1866.

F. 29th End survey for Mr. Blackford yet due \$6.00.
Sat. 30 Get home.
S. 1st At S. S. At J. Q's.
M. 2nd Rained slowly all night. Went to Mound City with
July Road papers. Buy \$.50 for merchandise.
T. 3rd Record survey.
W. 4th Went to celebration at Md. City.
Th. 5th Sow Buckwheat & Millet for Morae.
F. 6th Stack Steve's whear. A shower about ~~10 o'clock~~ 1 o'clock
Rains hard in the night.
Sat. 7th Rains heavily this morning ceases. Send to H. A.
King & co. Nevada, Ohio for the "Hints to Beekeepers."
S. 8th Rains. Waters high very high.
M. 9th Wolfinger takes barrel to mend. Fixing Transit &c.
wrs. Hared here.
T. 10 Go Surveying in Sec 17 T 21 R 23.
We. 11th Survey for Tho. Sprowl.
T. 12th Vome home via J. Q's.
Friday At home. record notes.
Sat. At home fixing fence washed away by high waters.
S. 15th Go to S. S. & to Mr. Jared.
Mon 16th Wash wheat.

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July

- T. 17th Drying the Wheat &c.
- W. 18th At home fixing compass &c.
- T. 19th Go to survey Sec. No. 28 T 21 R 23.
- F. 20 End survey Sec. 28 for Leonidas Newall & begin for J. Q. A.
- Sat 21st End for J. Q. A. & begin for Robt. Brown &c. Rec 4.50 of Leonidas Newall.
- Sun 22nd Go home. Miss Wykoff comes to see this girls.
- M 23 Complete survey of Sec. 29 T 21 R 23 & for T. Sprowl.
- T 24 Survey S 6 T 22 R 23 & go to J. G. Reynolds.
- W. 25th Finish survey Reynolds Sec. 6. Measure for Wm. Paginton & J. McNickle and go by Mr. Srpwls to Mr. J. G. Reynolds.
- Thursday 26 Finish for Reynolds and measure for Paginton & McNickle & go home via Mansfield having spent \$3.00.
- F. 27th Survey in Sec 34 T 21 R 22 for McGee.
- Sat 28th Finish for McGee & come home via Mansfield where I spend \$1.50.
- Sund 29th At home, at S. S. & at McRae.
- M. 30th At home Recording.
- T 31st, At home "
- W. Augt. 1st At home.
- T. 2nd At home washing wheat. Spend at Strongs store for oil .75, Envelops .87, paper .30, total \$2.90.

August A D 1866

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- F. 3rd At home & buy of Steve two bushels of corn. Broadhead & Smith call on Railroad matters.
- Sat. 4th Went with McGee to J. Woods prairie NE sec 34 21, 22 and went to R. R. meeting at M'd. City in evening. Bought hat for 2.50.
- S. 5th At home. At S. S.

- Mon. 6th Hunting R. R. Route with P. Chitwood. J. goes to Pagintons.
- T. 7 Go R. Roading to Paola.
- W 8 Enter Paola. Spend 35cts. for cake & cheese.
- T. 9th Commence in Engineers corps at the Marias des Cygnes.
- F. 10th Continue survey of Road in Miami Co.
- Sat. 11 Leave Miami and enter Linn & get as far as Mrs. Walkers.
- S. 12th At home resting.
- Mon. 13th Resume survey & get to the Dinkle place.
- T. 14th Continuet to Chitwoods timber.
- W. 15 Pass Mound City. Buy rubber to erase pencil marks 20 cts & give \$3.00 to R. R. survey. J. spends \$9.00.
- T. 16th Get to Fort Lincoln.
- F. 17th Get to Divide between Little Osage and Mill Creek.
- Sat. 18 Get to S. Williams place near Ft. Scott. Receive \$25.50 & come home in the night.

40

August 1866.

- Sun. 19th At home sleeping & resting.
- Mon. 20 J. Q. A. & I set our loose wagon tire. Rockhold Deputy.
- T. 21st At home not well.
- W. 22 Go to Mound City. Receive \$4.50 for Co. orders & \$1.50 for surveying for Ben Bradley of Butler. Paid \$4.00 to Border Sentinel, .35 cts blank book, .75 cts for Plat Irons, \$1.35 for wrench and \$5.00 to Dr. Hiatt for pulling 18 teeth and \$1.15 in Sefkers store.
- T. 23 At home making Plat of vansfield.
- F. 24th Frost this morn slight says Steve. Stack hay today.

Aug. 1866

Sat. 25 Go to Mansfield to school teacher's meeting. Go to Mound City spend for apples & dinner .90, calico 2.25, pencil 25, mending clock 2.00, cleaning watch 1.50, pants 6.25, for work by Steve 1.40 (total 14.55).

S. 26th At home. Rained gently nearly all day so do not go to Camp meeting.

M/ 27th At home making plat of Mansfield.

T. 28th At home finish plat of Mansfield.

W. 29th At home. Buy of J. Hood \$2.35 worth Merchan. Write letter to the Surveyor General Kan. & N. In ans. to his of June 20th, '66.

T. 30th Go to Jeremiah Rockholds in Valley Township.

F. 31st Go Suringly's to survey with Jeremiah.

Sept. 1st 1866 Complete the survey. Fine shower this evening. For Henry Suringly & J. W. Cherry.

Sept 2nd Go home to find J. D. Morae sick.

Sept 3rd Stack hay. Steve helps.

42

T. Sept 4th 1866 Rains last night and to day.

W. 5th Go to paginton & get 2 bush. wheat & go to R. Hill. Pay \$1.00 to Strong & Bailey for Merchandise.

T. 6th Rained last night & today cool. Wind from N.E. Go to Jno. Wolfinger's & to J. H. Barlows buy ink stand of J. J. Hood, \$.25.

F. 7th At home. Steve helps top out a stack of hay. Pay Steve \$2.35 for haying. Chore for Morae who is sick.

Sat. 8th At home Chore for Morae who appears some better been quite sick since last Sat.

Sun 9th At home Pag here.

M. 10 Go to Wolfingers for mill.

T. 11 Give A. Wattle \$2.00 for Peaches. Sell Pine (a cow) to Mr. Wright for \$30.00. Haul corn to Morae's hogs & go to Wolfinger.

- W. 12 Go to Wolfinger bring boiler and set up mill.
- T. 13th Commence grinding Steve sugar cane in P. M.
- Sept.
F 14 Continue making Molasses for Steve.
- Sat 15th Finish Steve's molasses 45 gallons in all. Give 1/4 for use of mill. Strip cane in P. M.
- S. 16th Go to McRaes. Hunt for his cows but did not find them. Rained before day this morning & a little during the day.
- M. 17th Rained this forenoon. Hunt McRaes cows in P. M. and go to Paginton, s.
- T. 18 Rained all day & start the streams for the 1st time this fall.
- W. 19 Drizzly wet day. Pay Mr. Humphry \$2.00 for a book on plats. Haul McRae a load of wood.
- 1866 44
- Sept.
T. 20 Rainy A. M. Fair P. M. Commence grinding sorgum cane in P. M. Boys & Steve in P. M.
- F. 21 Continue grinding sorgum. Hulbert and Frear help in P. M.
- Sat. 24 Sept continue grinding sorghum Hulbert & Frear help. Steve goes to Ft. Scott. Boil all night.
- Sund 25 Go for Dr. Kempton for McRae. Paginton finds his cows after absence of near 3 weeks.
- M. 24 Go to Dist. Court. Steve & boys, Frear & Hulbert & Paginton work at Molasses. Indict Scott Holderman & Elias Foster, Berryman Whalchel, Newton Foster & Robt. Nickle.
- T. 25 Pag. Steve & boys & Mr. Frear help in Molasses making. Pay 10 for matches; \$5.65 shoes, \$1.50 Barrel Kerosene, dinner 50.
- W. 26 Pag. goes home at morning, Hulbert at night, Steve & boys continue. Total \$8.60.
- T. 27 Steve all day. Boys 1/2 day/ Frear 1/2 a day; paid for Blank book 50, Tallow 1.45, muslin 50 Total 2.45.
- F. 28 Finished molasses making for self. At Court yet. Wolfinger comes for and gets 66 1/2 gal. molasses.

Sat. Sept. 29th, A. D. 1866.

At Dist. Court. Discharged from duty of G. J. Frear 5 gallons molasses for labor. 250 gal. made & raised on the place 45 Steves, 100 Mr. McRae, 100 mine, 1/4 of all Wolfingers. Paid 70 cts for Brandy & 25 for peaches.

Sun 30th At home. At McRae's.

Oct.

Mond 1st Went to Sec 17, T 23, S, R 24 E. and continue said survey till Saturday night of the 6th of October A. D. 1866, when I came home arriving after all were in bed & asleep. Rec'd fees of Mrs. Jones \$4.00 Dan Wellington \$3.00.

S. Oct 7th At home. Recd letter from Joseph with \$20. for J. Q. A

M. 8th Haul Molasses to MacRae. Go to mass meeting at Mound city hear General A. L. Lee, M. J. Parrot, S. O. Thatcher, Sidney Clarke, Col. Hoyt & others. Paid 3 1/2 for procelain kettle, 1 1/4 for cow bell, 2 45/100 for tin ware and 25/100 for paper, Total \$7.45. Paid Steve for work 5.00. Also paid to J. Q. Adams for Joseph Emerson \$20.00.

T. 9th Went to Pagintons and to Richard Hills where I obtained 12 1/2 bushels of wheat, 10 bush. of which he owed me and 2 1/2 bush. of which I got for \$5.00.

W. 10th At home, McRae here, let him have 1/2 bush. of wheat for which he owes \$1.00.

Oct. 11. 1866

T. At home. At Mansfield.

F. 12th Haul Ten. E. logs for J. Q. Adams all day.

Sar. 13 Haul a load of logs for J. Q. Adams At Mansfield. At Linnville. Buy of Hiram Defrees 1 bush. Apples 1.00. Of J. Hood a square 1.50, a hammer .75, a hatchett .75, an ax 2.50, 1 paid of pinchers 60 bags 30 X 10. total amount 7.00. Gave McRae 1/4 bushels apples .25.

Sun. 14 At J. Q. Adams with McRae.

M. 15 Steve commences work. Go to Coles and pagintons.

T. 16th David Frear commences work. Cole cuts hay in P. M. J. Q. A. & Paginton help.

- W. 17th Cole quits mowing in A. M. J. Q. A. & Pag. help. Frear & Steve continue their work.
- T. 18th Rains soon after daylight. Frear, Steve help all day. Pag. & J. Q. . 1/2 a day.
- F. 19th Lowing weather. Frear helps all day & J. Q. A 1/2 a day at copying field notes of T 19, R 21. Pay for grinding 1 bush. wheat .20.
- Sa 20 Rains part of the time, showers. Dav. Frear helps.
- Sun. 21st At home bring Morae & family here. Showers wind turns from S.S.W. to N.N.W. Rhento west.

52

- Monday 22nd Oct. A. D. 1866.
Went to Twin Springs & commenced the survey of the road running thence W. to Co. line at which survey I spent Tues. Wednesday & Thursday. Pay 70 cts to Mrs. pay for lodging.
- F. 26 Survey for Alexan er Seaman Jenkins & Clemens.
- Sat. 28th Receive \$4.50 from Seaman & Co and come home where I arrive at noon.
- Sun. 28th At Morae's.
- M. 29th At home Recording surveys.
- T. 30th At Road record Twin Springs road. Hauled hay in P.M.
- W. 31st November 1866/
At home at Road record. Buy 50 shocks of fodder of J. D. Morae at 10 cts per shock. Ahem from----
- Nov.
T. 1st Go survey J. Herbert Robinson in Sec. No. 5, T 21 S, R 23 E.
- F. 2nd Continue survey in Sec. 5.
- Sat. 3rd Continue survey for Robinson. Receive from Sam Franse \$3.50 & of Robinson \$6.00 for surveying.
- Sun 4th At Mansfield at S. S. org nization. At Mulburts.
- Monday 5th Commence sowing wheat. Sow 9 bushels.
- Nov. 6th Election day. Act as Clerk of the election. Pay 50 cts for grub.

54

W. 7th Nov. 1866 At home. Sow 2 1/2 bushels of wheat. Rains in P. M. commence about 11 A. M. Jo. sells 5 1/2 November des. eggs for \$1.10. Buys of J. J. Hood \$1.35 cts worth of goods & buy a sow of J. P.

T. 8th At home. Choring. David Frear not at work here.

F. 9th At home. Sow 2 bush. wheat. Pay Hulburt for making molasses \$6.80 cash and (2 gallons molasses at time of making). David at work. Very heavy fog this morning.

Sat. 10 Rain last night. Gave David \$10.00. David not at work today.

Sun. 11th At S. S. school. At Jared's.

Mon. 12th Went to Asa Palmer to survey in N W 1/4 of Sec 34 , T 19, R 23.

Nov. '66.

55

T. W. & T. Continue said survey.

F. 16th Survey for O. D Harmon as Guardian of Mary A. Paine heir of Stephen paine & recd \$4.00.

17th Sat. Rec. \$18.00 came home stopped at Eli Coxes on the way. Jo receives 40 cts. for eggs and spends 70 cts.

S. 18th At home. send \$2.00 to Cole by Paginton.

M. 19 Give Jo. 10.00 to buy goods with. Pay david Frear \$10.00.

T. 20 Went yesterday to Garretts. Shoemakers and Wortmans yesterday and to day commence the survey of Sec. No. 16. Pay \$1.00 to B. Craig for instrument.

W. 21st Continue survey of Sec. 16.

T. 22 Continue same. Cold nights Freezing some.

56

F. 23 Nov. 1866. Continue survey Sec. 16.

Sat. 25th Continue Survey Sec. 16.

Sun 25th At home.

M. 26th At home Recording & c. Rainy day. Settle with McKee.

T. 27 Go to & survey school land for the State of Kansas.

W. 27th Continue same survey.

Thurs. 20th Quit said survey & come home. Pay \$3.00 to Graig for nuts.

Fri. 20 Commence survey of Mrs. Dobyns Dower.

Sat. 1st Dec. 1866. Continue same.

S. 2nd Come home from Mrs. Dobyns. Go to Mansfield to S.S. Rain Sunday and thunder.

57

M. 3rd Dec. 1866

Return to Mrs. Dobyns. Receive \$9.00 for her surveying, Pay 25 cts for paper. Go to Aaron Foster's. Tinker some with compass. Make 1/2 inch screw. Get two Deer skins of Tho. King.

T. 4th Commence surveying for Foster.

W. 5th Continue same and complete it.

T. 6 Survey on Section No. 4 for Dorsey.

F. 7th Making plat of Sec. no. 16, T 21 S in Range 25 E for State of Kansas.

Sat. 8th Continue same and go to Baileys at night. David Frear and Steve each worked four days for me this week.

58

Sunday 9th Dec. A. D. 1866.

At home. At Mansfield. Pay 5.75 for pair boots, 1.80 for writing books .45 cts for Camps 1st lessons in Geography & 15 for 1st lessons in drawing.

Mon 10th Go to Mr. Bone Pen Demoss and 7 Sarmak's to survey in Sec. No. 9 T 21, R 25 & commence same.

Tuesday 11th Continue same. Cool chilly weather take a great cold.

W. 12th Complete same and for want of health go home & charge them \$8.00 for survey.

T. 13th Fix out D. Sibbets P. Q. Plat.

F. 14th Work at Plat of Road. Snow & icy rain to night.

Sat. 15th Puttering & doing but little. Snow.

59

S. 16th At home. At Halburts awhile. Pleasant day.

- M. 17th Go to Mansfield. Pay 30 cts. for salt and soda.
Receive 108 lbs. of Beef from E. Reed \$8.68. Sold
Rees 1 gal. molasses .75.
- T. 18 At home.
- W. 19th At home. Receive 18 lbs. tallow of E. Rees at 10
cts.. get pig home ag'in, & molasses 1.80.
- T. 20 At home.
- F. 21st Went to J. Q. A. in evening.
- Sat. 22 At J. Q. A.'s copying field notes. J. Q. A. not well
do not do very much.
- Sun. 23rd At McRae's.
- M. 24th At Mansfield, pay 1.25 for pair shoes, .50 for
combs, .75 thread, .75 knife, .25 lamp shade, candy
and liconic .80, Tape .75, Blank books .60.
60.
- T. 25th Dec. 1866 At J. Q. A.'s.
- W. 26th " " At home. At Md. City. Paid tax.
- T. 27 " " At Broadheads surveying.
- F. 28th At Broadheads Rec. 9.00.
- Sat. 29th At School meeting.
- Sun 30th At home. At McRae's.
- M. 31st At home.

January, Tuesday 1, 1867.

Early morn Temperature 5° above zero. Went to Wm. Paginton visiting. Sunshine gets warmer but does not melt. The ground is whited with snow.

Wednesday 2.

Ar Simmons & Davis's at Holts Mill surveying.

Thursday 3.

Continue survey for Simmons and Davis.

January, Friday 4, 1867.

Continue survey for Simmons & Davis & quit the same. Receive \$12.00 & come home.

Saturday 5.

Go to Mound City. Measure lots for Dr. L. B. Hiatt and Bodkins. Receive of Dr. Hiatt fee \$0.50.

Sunday 6.

At home. Brother Joseph arrives. J. Q. Adams & J. D. McRae & families here.

January, Monday 7, 1867.

At home with Joseph. At McRae's in evening. McRae bring us 25 lbs. of flour at \$7.50 per hund.

Tuesday 8.

At home. J. goes to J. Q. A.'s. Heremiah Reckhold come & stays over night. Record field notes some for him.

Wednesday 9.

Go to J. Q. Adams. He, Paginton, Joseph and I go to Mound City. Pay \$5.40 tax for Paginton. Pay 4.04 for T. Hulburt & spend 40 cts for apples 'ns.

January, Thursday 10, 1867.

At home. Go as far as A. Fosters. J. E. on his way home. Get a pair of Andirons of A. Foster at \$3.50.

Friday 11.

At Mound City. Receive of C. E. Tomkins for my services \$6.00. Give to Jesse Marshall in trust for J. B. Huggins, \$40.00 to pay said Huggins tax & toward the note he holds against me. Pay 13.44 tax for Hulburt. John Frear Dr. to tax 7.65, Cash 2.35 & Cr. by sew 10.00 so we are square. Surveying Dr to David Goss 1.50. Election clerking Dr to Co. orders \$2.00.

Saturday 12.

Bought at Baird Merrimac points best 16 yd. at 23 cts per yd
Cotton flannel 2 yards for 1.65. Flannel 1 yd. .65 Bleached
Muslin 1 yard 30 cts. in all \$6.08. Come home, sell
sow to Paginton for 10.00 to be paid at cellar digging.

January, Sunday 13, 1867.
At home. At Mr. Frear's.

Monday 14,

Go to Sec. 4, T 22 S, R 25 E. to survey for Omar Park.

Tuesday 15,

Continue survey for Omar park.

January, Wednesday 16, 1867.
Continue survey for Omar park. Complete 4. acre patch.

Thursday 17,

Survey for Omar Park, Calvin Hardy, Alexander Campbell
Bender and Dr. O. S. Bender. Josephine buys goods of
Strong and Bailey \$1.70. Youths Companion for self
2.50 for David Frear 1.25, for Jesse 1.25, for Emanuel
Rees 1.25 for John Wolfinger 1.25.

Friday 18,

Continue for same persons. Wind from the east very
pleasant.

January, Saturday, 18, 1867.

Thunder, lightning and cold rain this morning. Soon
snows. I go home. About 12 A. M. wind from north, snows.
Obtain of J. Wood material for coat. Jeans home made 4
yards \$6.00. Other cloth buttons & cloth 4 yds. for 1.40
Buttons 30 cts. thread 25 in all 7.95.

Sunday, 20,

At home. At Turkey Creek school house at meeting.
Moses Jared preaches.

Monday, 21,

At home copying record of Annual Variations of the Mag-
netic Needle. Mrs. McRae & Jo. making coat. Get salt of
of E. Rees \$2.75. Kerosene 1.50 can to hold it 50 cts.
Total 4.75.

January, Tuesday, 22, 1867.
At home, Jo. finishes coat. Complete transcript of
Records of Annual variations of the Mag. Needle.

Wednesday 23,

Go back to Omar Parks to finish survey commenced last
week. Pay Thomson for 1 paid shoes \$1.40 for Ellen.
Send transcript to President of the State University at
Lawrence and to Secretary of State.

Thursday, 24,
Complete survey in the rain, get wet to skin. Snows &
rains & freezes as it falls. Terre Mundane iced over
(iced) Compass sights full of ice.

January, Friday, 25, 1867.
Trace a line for Mr. Park & receive pay in full of Omar
Park 16.00. Due from A. C. Bender \$2.00. O. C. Bender
\$6.00, Calvin Hardy 2.00. Come home facing very chilly
west wind.

Saturday, 26,
At home recording.

Sunday, 27,
At home. Go to J. Q. in evening & help copy field
notes tomorrow evening not to day. Hulburt and vartha
Jared here.

January, Monday, 28, 1867.
At home Recording field notes. GO to J. Q. Adams &
stay over night. Help copy field notes.

Tuesday, 29,
Go with J. Q. Adams to Mound City & buy this book at .65,
Blank book .35, Day book .75, Ledger .80 of Jas. Seaman.
A wallet at 1.60 and lamp at 1.00 of Lefker & Bacon &
give a \$2.00 Co. order to J. Q. Adams for copying Field
notes for me. Total \$7.00

Wednesday, 30,
At home recording. Steve & Jesse haul hay. Very pleasant
getting warmer. 46° above zero at noon.

January, Thursday, 31, 1867.
At home recording. High wind from south. Froze some
at dusk last night but at day break is 52° above zero.
Pay Virgil Johnson \$5.00 on E. Rees acct. At 4 o'clock
P. M. 68° above zero. Pay 50 cts for grinding rye.
Owe Steve for 14 1/2 days on months but reduce the above
by paying him cash 5.00, lamp & oil can 1.25. Credit
him with Jesse's work 2 day on the road & one hauling
hay.

February, Friday 1,
Clouding up. Thunder heard at a distance. Temperature 31°
above zero in early morning. Clears up without rain.
Wind from west. Gets warmer.

Saturday, 2,
At home recording. Nice pleasant day. Receive Album
premium from Youths Companion, Alsted & Co. Boston, Mass.
Photograph & Tyntype Albums. Re give order on Co. Clark
for \$32.00. Co. orders drawn in my favor. Receive &
send by mail. Jo. spends \$1.20 at Needs, Linville.

February, Sunday, 3, 1867.
At home. At Turkey Cr. School house hear Mr. Jared preach. At Mr. Jared's. At Mr. J. D. McRae's. Come home & find our pretty Red birn killed by the cat while the girls were out.

Monday, 4,
Went to Section 8, T 20, R 24 & worked for G. W. Sowing, Jesse Donoho & Martin Taylor, also M. StClair. Warm, clear & thawing.

Tuesday, 5,
Finish in sec 8 and commence in sec. 4 for G. W. Sowing, Jesse Donoho &c. Clear, warm and thawing.

February, Wednesday, 6, 1867.
Finish survey in sec. 4 and commence in sec. no. 3 for Daniel Stainbrook & John B. Froman who has an Indian wife. Warmer. Young Red legged locusts seen hopping around.

Thursday, 7,
Finish in sec No. 3 and run some lines at random in Sec. 2. Warm and nice. Soon after dark the wind changes & come from the N.W. and blows all night.

Friday, 8,
Very cold this morning. Wind still comes from N.W. Getting colder. Survey an irregular piece of timber for Joe R. Froman. Receive \$19.50 for my work this week.

February, Saturday, 9, 1867.
Come home via Mr. Merrills and Mrs. Mundelfs to tell her her son is sick at his house at Ballards ford. Stop over night at Pagintons.

Sunday, 10,
At home. J. Q. A. & wife and Pag here. Pleasant and cool wind from the south.

Monday, 11,
Paginton and McRae haul 54 bush. of ern for me bought of McClure at 60 cts per bush. Strong wind from the south. Sell a gallon of Molasses to Widow Johnson boy for which he pays Virgil Johnson \$1.00 on M. Rees's acct. for me.

February, Tuesday, 12, 1867.
At home, rains in P. M. ad most of the night, frost out of ground appears quite spring like. Pag helps McRae for me to pay McRae for yesterdays work.

Wednesday, 13,
Wednesday. At home. At Mr. Jareds in the evening with Pag. Paginton begins the cellar to day. rains this evening. About 9 P. M. wind shifts from the south & comes from N.E.E.

Thursday, 14,

At home. Rainy day. Wind still from N.E. Rose drops her (here picture of olaf or colt is drawn). Lightnings flash and thunders roar.

February,

Friday, 15,

1867.

At home all day at platting. Rainy at breakfast time dark & foggy too. but soon clears up. Wind shifts from North S W blows strong & is chilld, freezes at dark. Pag digging cellar.

Saturday, 16,

Pleasant but muddy. Go to J. Q. A's. & copy field notes of Public survey. Remain till noon. Singular bright track across the sky to night about 7 & 8 O'clock when 1st noticed by me it stretched from sunset to sunrise through the shoulders of Orion, a short praving, 40 along rising rising from sunrise toward N.W. West end moves N. & both disappear in E & N.E. Babel Johnson gets gallon molasses on E. Rees acct. \$1.00.

Sunday, 17,

Go to Turkey Creek school house to meeting. Hear Mr. Jared preach and come home. Froze a little during the night. Warm like May today.

February,

Monday, 18,

1867.

Go with Mr. Jared and Mr. Frear to ~~select~~ select a site for a Graveyard. Lill drops her (here is drawn a picture of a claf or colt) while I am gone. Clouding up threatens rain. Clouds get more dense & hide the sun about noon. Word from the East.

Tuesday, 19,

Rained in the night & still rains some this morning. Thermoneter indicates temperate heat.

Wednesday, 20,

At home, at John Johnsons, at Frears. Drissly damp day. Wind from E. & S. changing. At duck blow from the North & snowed some, grew cold fast.

February,

Thursday, 21,

1867.

Wind blew from the N & N.W. all night. Temperature 8° above zero at sunrise. Sell J. Frear two steers at \$70.00 & he agrees to furnish lumber to build me a house at \$2.50 per hundred feet. If I pay for sawing I get half the lumber the logs make therefor & the other half at \$2.50 per hund. Notify appraisers.

Friday, 22,

Commence survey of Sec No. 26, T 19, R 23, for State school. Find Wm. Summers & Merrill Chairman, Palmer marker, Elbridge pay Chairman. Total paid at Farlan's mill \$.95.

- Saturday, 23,
Continue survey on Sec 36. Jo goes to J. Hoods, Linnville
and buys \$2.40 worth of goods.
- February, Sunday, 24, 1867.
At Mr. Asa Palmers. Cold. Threaten snow.
- Monday, 25,
Continue survey. Elbridge Ray & Wm. H. Summers chain men
Maddison Ames marker, Pleasant day.
- Tuesday, 26,
Continue survey of Sec 36. Same helpers. Grows warmer.
Clear & spring like.
- February, Wednesday, 27, 1867.
Continue survey of sec No. 36 & Complete the same. Pay
Ray \$7.50, M. Ames \$4.50, & Palmer \$3.00 and Ames 1.50
and for board to Myron Ames \$1.00. Quite warm, looks
like twould soon rain.
- Thursday, 28,
At home copying field notes of last survey into record.
- March, Friday, 1,
Go to Ellihue Fairbands & commence survey of sec No. 22,
T 21 S, R 23 E. Warm this A. M. but soon commences to
get cold.
- March, Saturday, 2, 1867.
Complete survey of sec 22 & get home at 6 o'clock P. M.
Anderson Grammer pays me \$2.00 for his part of surveyor's
fee in said survey. Cold morning 22° above zero. Grows
warmer.
- Sunday, 3,
At home, Cloudy. Threatens snow. At Turkey creek school
house, hear Jared Preach.
- Monday, 4,
Cold, 15° above zero. Clear. At home. David Prear
agrees to furnish rocks to wall up cellar for \$60.00.
I furnish team to haul with. Receive 5 1/3 bushels corn
of Ellihue Fairbanks to pay his share of surveyors fee
for surveying in section 22 in Town 21 S, range 23 E.
- March, Tuesday, 5, 1867.
At home recording field notes. Leveling cellar. Help-
ing with old cold cews &c. Receive of T. Hulber 15 shecks
of corn fodder at 20 cts. & 75 cts for hauling 3.75.
Cold, wind from N & E.
- Wednesday, 6,
Snowing so I stay at home. Pay Steve 20 cts toward his
work. Pay Paginton \$1.25 toward the cellar. Money sent
to pay for Charles Bradleys, Yerthas Compaen by request
of Mr. Paginton.

Thursday, 7,
Temperature 20° above zero. Commence survey of sec. No. 10
T 22, R 23 for Payton Alexander, Durbin, Joseph Young
and others. Raw day.

March, Friday, 8, 1867.
Continue survey of section 10. Snows & blusters, in-
terferes materially with ranging of times.

Saturday, 9,
Continue same survey. Cloudy raw day but not cold. Go
home via J. Q. A's. Pag completes cellar.

Sunday, 10,
At home. At E. Reeses with J. Q. Adams & J. D. McRae.
Their wives here with Josephine. Receive 1/2 bushel of
white sprouts potatoes \$1.20 and 1/2 bushel peach blows
\$.75 total \$1.95.

March, Monday, 11, 1867.
At home platting S.W. quarter of of sec. NO. 36, T 19, R 23
Snowing & sleeting before & after daylight this morning.
Misty freesy day snow about 2 inches deep & crusted over
wind from N.E.

Tuesday, 12,
Wind still from N & threatens snow or rain. Gets cold
colder & constant wind from N.N.W.

Wednesday, 13,
This morning at sunrise still cloudy with wind all night
& day from N N W. Clears up soon after sunrise. At home
writing to Joseph. Temperature 5° above zero at 6 1/2
A. M. 11° above at midday & at warmest time.

March, Thursday, 14, 1867.
Temperature at zero at 6 o'clock A. M. being 5° colder
than I have noticed it before. Wind rising from the S.
Go back to sec No. 10, T 22, R 23, and continue survey
Go home with Semour Smith & stay over night.

Friday, 15,
Temperature 17° above zero this A. M. Clouds up about
day break. Threatens snow. Go homelast night with
Semour Smith & remain till morning of the 15th. Go home
after supper arriving about 11 o'clock. Receive \$14.50
for said survey. Yet due \$3.50 from The. H. Paddock &
Charles Lawrence.

Saturday, 16,
Cloudy, more moderate, threatens snow and does snow till
about 11 o'clock when the wind shifts from the east and
comes from the N.W. Arrive at E. Rees's just before noon
& survey for him in P.M. on W. boundary of sec 6, T 21,
R 24.

March, Sunday, 17, 1867.
Snow still covers the ground though it is still mild & growing warm from 20° above zero to Clouds up in P. M. & looks like rain or snow.

Monday, 18,
Snowing. Breaks away just before noon. Go to survey for George Farlin but he does not come so go to John Hermans & get my boot mended for \$.50. Thawing a little this P.M. Buy drug of Strong & Bailey \$2.10 being 1 quire of legal cap .60, 1 1/2 quires letter paper 40 cts Soda 35, sulphur 1 lb. 40 cts. Matches 10 cts.

Tuesday, 19,
Went to sec. 14, T 21, R 22 south of Keekak to survey for Jo Brown, Jac. Ungerhire & others. Cloudy damp day. Snow melting. Arrive before noon but do nothing till P.M. Run west boundary of 14.

March, Wednesday, 20, 1867.
Continue survey of sec 14. Clear up in P. M. Fine. Run south & east boundary of sec. 14 today and establish corners.

Thursday, 21,
Continue survey of sec 14, run lines joining opposid 1/4 sec corners & also run west bounday of sec 23 on north side of Sugar Creek stopping on N. bank on acct of high water. Rained last night and with melted snow raised the streams. Cloudy day. Froze last night. Good sugar making to day.

Friday, 22,
Continue survey sec. 14. Range out the North boundary and then run random line to north boundary of Mr. Jos. Browns timber & run N 1/2 of boundar between sec 23 & 24 & south boundary of N E 1/4 sec 23. Warm clear nice day after 10 o'clock. Wind comes from E. to night.

March, Saturday, 23, 1867.
Clouds up about daylight & soon commences to rain. About noon commences to freeze. Bad stormy day. Come home.

Sunday, 24,
Temp. 20° above zero. Pay Steve \$4.00 for Paginton. Paid Wm. Taylor for 8 shocks fodder \$2.00.

Monday, 25,
Temperature 26° above zero. Raw east wind. Before noon drizzles rain soon freezes as it falls. Continues rain all night but gets warmer toward noon-morning. I buy 25 lbs. apples at 16 cts, 5 spools thread 50 cts. Total \$4.50.

March, Tuesday, 26, 1867.
Frozen rain melts early in A. M. Stops raining by mid of forenoon. Go back to Ungerhires to survey in sec 23, 21, 22. very muddy. Wind from N.W. since 10 o'clock.

Wednesday, 27,
Froze hard last night. Wind still whistles from the N.W. Continue survey at Ungerhires. Go to spealling school at Centerville school house, then come home.

Thursday, 28,
Pleasant day at school meeting in wansfield, after helping the cow (Plum) that was mired in the branch.

March, Friday, 29, 1867.
Nice day. Continue survey at Ungerhires.

Saturday, 30,
Set corners for Ungerhire & Brown & go to Mundells who back out of having any surveying done now. Then go back & survey for Moses Sessions Esq. in P. M. on the SE qr. sec 23, T 21, R 22. very pleasant day, looks like rain. Receive \$6.00~~xxx~~ of Blackford dur me for surveying, also \$13.00 of Ungerhire.

Sunday, 31,
Snowing & melting. Pay Dr. Kempton \$19.00 case & relinquish \$10.00 due me from him all for his "barn."

April, Monday, 1, 1867.
Complete survey for M. Sessions Esq. in sec 23 T 21, R 22. Stay over night with Mr. Weaver (John Barney). Charge Sessions \$6.00.

Tuesday, 2,
Commence surveying for John Herman, Allen Millsap in sec 19, T 21, R 23.

Wednesday, 3,
Complete survey sec 19, T 21, R 23, & the rain keeps me over night at Millsaps. Charge Walker Allen \$4.00. John Herman \$3.75 & Millsap \$1.60.

April, Thursday, 4, 1867.
Go home & go to Mound City. Buy \$7.25 worth of goods of Millsap, pay him cash \$5.65. Pay \$11.00 for a stray steer, posting \$6.00 to Paginton for posting cow. Pay \$2.00 for knives and forks at Way & Lefkers. 2.10 drug store for 1 bottle of Easterly Iodine & sarsaparilla 1.50.

Friday, 5,

At Geo. Jarlins surveying in sec 4 T 21, R 23.

Saturday, 6,

At Geo. Jarlins continue surveying.

April,

Sunday, 7,

1867.

At home. J. Q. A. & folks here.

Monday, 8,

At Jarlins again. Finish surveying for him & receive 90 cts from ~~Samuel~~ Luman Clark. Go home with O. D. Harmon.

Tuesday, 9,

Surveying for O. D. Harmon. Drizzly day.

April,

Wednesday, 10,

1867.

Complete surveying for O. D. Harmon & receive from him \$8.00. He paying \$2.00 of this for Mr. Saeck. Go to see 15, T 20, R 23 to survey for Silas Smith & others commencing after dinner. Fly drops her (here is drawn a picture of calf or colt).

Thursday, 11,

Complete survey of Secs 15 & 16 & receive 1.25 of Geo. Phenix and 1.25 ~~for~~ of some man for Stanbrook. \$2.50 of Silas Smith for his part and 1.25 of same for G. W. Greager. 1.25 for Eli Cox & \$1.25 of him for Ma. Stewart. In all \$10.00.

Friday, 12,

Survey sec 10, T 20, R 23 for McGarty & others and receive 1.25 of M. McGarty, 1.25 of John Harty, 1.25 of Saml Scott & 1.25 of ~~in~~ in all \$5.00 for said service. I pay Jno. B. Huggins \$25.00 in part for the Dr. Way house.

April,

Saturday, 13,

1867.

Survey for Emanuel Rees. Commence before dinner and quit about 4 o'clock. Paid \$2.50 to Strong & Bailey for goods.

Sunday, 14,

At home. Rain last night and this morning.

Monday, 15,

Proceeded to see 23, T 22, R 23 & commence survey for Elwood Smith. On the way recd \$3.00 of Geo. Jarlin for surveying in sec 4, T 21, R 23.

April,

Tuesday, 16,

1867.

Continue survey in sec 13 for L. E. Smith. Very pleasant spring weather, the grass begins to grow.

Wednesday, 17,
Complete the survey of sec 23 and receive therefor \$12.00
of L. E. Smith. Stay over night at J. R. Vansandts.
Peggy gets 10 gallons of molasses for Steve Lynch.

Thursday, 18,
Proceed to sec 9, T 22, R 24, and commence survey of
same Jas. Simpson & others.

April, Friday, 19, 1867.
Complete the survey of sec NO. 9 and receive therefor
\$8.00 of Jas. Simpson at 10 o'clock of the A. M. Survey
line between secs. 7 & 8 T 22, R 24 in P. M. for Jesse
Brown and J. R. Vansandts.

Saturday, 20,
Proceed by way of J. P. Way's cellar and D. W. Cannons
house to Sec No. 15, T 22, R 24 & survey line between
Secs 15, 16 & 15 & 22 for Mr. Moon. Come home after
night.

Sunday, 21,
Pay Steve 60 cts. Tole money and \$6.00 toward Sal &c.
Paid Moqae for corn 32.00. Went to Mr. Frear.

April, Monday, 22, 1867.
Proceed to section 21, Township 22, R 24 & commence survey
of secs 21 & 20 for Jas. M. Iliff, Hugh A. White & others
& run the north line of secs 20 & 21 above said. Steve ~~xx~~
works.

Tuesday, 23,
Continue survey of secs 20 & 21 running the line bwt.
20 & 21 and the south boundary of said secs. and commence
line running north through the center of secs 21.
Steve works.

Wednesday, 24,
Course right lines through the center of sec 21 above
said & in P. M. run west through the center of sec 20 &
north through same. Hulbert works. Shock of earthquake
& prolonged rumbling like dist. heavy lasting.

April, Thursday, 25, 1867.
Run through center of N E & S E qrs. of sec 19 on W.
side of N & bet. E 1/2 19 & 29 and north through N 1/2
20. Hulbert works.

Friday, 26,
Run E. through N E & W through S E qrs Sec 20. Receive
Wm. Keller \$2.25 for survey in 29.

Saturday, 27,
Sorter along home. Cannons, Jesse Brown, Sessions &c
25. Receive of Jas. M. Iliff \$2.50.

April Sunday, 28, 1867.
At home. Go to Turkey Creek school house & hear Mr. Jared preach. J. Q. A. & paginton call.

Monday, 29/
Went via D. Cannon to sec 17, T 23, R 24 & Receive Wm. Haverly for surveying last fall \$5.00 and Recd of Mr. Jehue Parsons \$4.50 for his part of same survey.

Tuesday, 30,
Go to Wilton McIntyre's in Sec No. 4 & 9 T 23, R 25, thence John O. Callahan's & notify him of his appointment as appraiser of school land Sec. number 16, T 23, R 25. Remain with Callahan over night.

May, Wednesday, 1, 1867.
Pay 75 cts. for lodging and go to George Coopers and Wm. Epps & notify Cooper of his appointment to appraise &c. Mr. Epps gone to Missouri so I read notice to his wife and proceed to find Cooper & thence to John Caldwell where I remain over night.

Tuesday, 2,
Commence survey of sec No. 16, T 23, R 25, Kansas State School Fund. Pay John Caldwell \$2.00 for supper, breakfast and keeping horse one day and go to Mr. Wards to stay over night.

Friday, 3,
Continue survey & leave horse at Patrick Kenting's. Stay over night at Russell Justice's.

May, Saturday, 4, 1867.
Continue survey till noon when a fine shower comes up from the N.W. & we quit & I go home where I arrive after dark.

Sunday, 5,
Went to Jno. D. McRae's where we found J.Q.A. & wife. Wm. P & wife. Cool wind from the North N. W.

Monday, 6,
Frost quite considerable. Survey in sec 15, T 21, R 23 for M. C. Sessions.

May, Tuesday, 7, 1867.
Commence survey for Lyman Strong to obtain S E corner of Sec 24, T 21 bet R 23 & 24. Buy of Mr. Strong goods amount of \$8.07 with what Jo. go Paid \$6.00 in surveying and \$2.06 cash.

Wednesday, 8,
Complete for Lyman Strong. Charge him \$6.00 and go back
to Indian Creek in afternoon.

Thursday, 9,
Continue survey of sec No. 16, T 23 R 25.

May, Friday, 10, 1867.
Continue survey of 16 sec.

Saturday, 11,
Quit survey of sec 16 and call it done. Rains somewhat .
Pay cash to the chainmen Hiram D. Ward, 3 day \$6.00.
Russell Justice, 1 1/4 day \$2.50. Patrick Reating
2 1/2 days, \$5.00. Austin 2 1/8 days, \$3.75. Johnson
Gladwell, 2 days, \$4.00.

Sunday, 12,
At Patrick Reating on Indian Creek to receive of Barton
Snyder \$1.30, of M. S. McIntyre \$1.30, of John Caldwell
\$1.00 & of Alfred Curtis \$5.70, in all \$9.00 all on the
15th inst.

May, Monday, 13, 1867.
Continue at Indian Creek. Survey for Andrew Morrell &
Perry Morrell and Alfred Smith & recd payment of Perry
Morrell \$2.00, Alfred Smith \$1.00, Andrew Morrell \$2.00.

Tuesday, 14,
Commence survey of sec No. 9, T 23, R 25 for Alfred Curtis
Melton S. McIntyre & others.

Wednesday, 15,
Complete survey of sec No. 9. Receive pay, see 12th.

May, Thursday, 16, 1867.
Work for Russell & John Justice in Sec 15. Receive pay
of John Justice \$1.50 of Russell Justice \$3.50.

Friday, 17,
Work on Sec 14, T 23, R 25 for John O. Callahan, Thos.
Hopkins & Mr. Applegate. Receive of Callahan \$1.50,
of Hopkins \$2.00.

Saturday, 18,
Worked on Sec No. 2 for Hiram Ward. Hiram Ward pays me
\$2.75 for surveying & \$1.25 for Youths Companion & still
owes me \$3.25 etc.

May, Sunday, 19, 1867.
At home. At 3 o'clock having come from Indian Creek
this morn. Steve's Sarah died and buried today.

Monday, 20,

At home. Pains. Go Mansfield & pay H. L. Bailey balance acct. \$1.95.

Tuesday, 21,

Went in P. M. to survey a road commencing at J. M. Arthur's near Keokuk. Stopped at Mr. Herman's and get boots mended, paid him 10 cts. therefor. Stay over night at J. B. Weaver's. Wolves killed two lambs.

May,

Wednesday, 22,

1867.

Commence survey of road, recd \$12.00 of Jonathan Brown. Stopped at Saddlers crossing Big Synge Creek.

Thursday, 23,

Complete the western branch of the road and return to Mr. Robt. Michael's & here remain till morning.

Friday, 24,

Survey another route from Warren & Sange's and come home where I arrive late at night 10 o'clock P. M.

May,

Saturday, 25,

1867.

At home making plat of Sec No. 16, T 23, R 25, Pay \$10.00 To J. S. Sutton for use of Stud Horse in '66.

Sunday, 26,

At home. At Turkey Creek school house, hear Mr. Jared preach, get & home & find Paginton here. Rains in afternoon, heavy rain in evening.

Monday, 27,

Big Sugar Creek very high. Go to Linnville to Jno. Hoods, pay him \$11.45. Buy \$4.95 worth of pork at 15 cts. Buy ink .45 cts. Go to Jac. Waymires to commence the survey of road? Viewers could not cross the Creek to meet me at Waymires. Work at sketch of Ungerhires from farm.

May,

Tuesday, 28,

1867.

Commence the survey of sec 26, T 21, R 22, for Jacob Waymire. Crane, Jac. Ungerhire & Mr. Barton. At noon the viewers arrive and we commence and complete the survey of the road this afternoon.

Wednesday, 29,

Continue the survey of Sec 26.

Thursday, 30,

Complete the present survey of sec 26 and receive \$2.00 of Mr. Barton at the hands of Robt. Michael. Got home at 11 1/2 P. M. S E 1/4 of the N E 1/4 Bartons. N E of N E J. Ungerhire. W 2 of the N E 1/4 Robt. Michaels. The S W qr Crane. N W Waymires.

- May, Friday, 31, 1867.
At home at recording field notes. Rainy day.
- June, Saturday, 1,
Still rains. Waters high. Receive \$50.00 of J. J. Emerson in return for money lent to him. Paid J. Hood 1.00 for a bottle of Ayers Cherry Pectoral. Clears off toward noon.
- Sunday, 2,
Clear & fine but very muddy. At home all day.
- June, Monday, 3, 1867.
Mailed letter to mother. Oscar Nesbit Elliott, Russel Justice and to Joseph. Mother is in Iowa. Pay J. H. Marshall \$50.00 for J. B. Huggins. Pay Rufus Smith 40 cts. for mending chain (Gunter's) J. K. Anthony 60 cts for drugs.
- Tuesday, 4,
Rained last night. Hulbert goes for scraper and work at the cellar.
- Wednesday, 5,
Work on road in forenoon. At home in P. M. recording.
- June, Thursday, 6, 1867.
At home at recording. Hulbert completes 1 1/2 days of my Poll tax.
- Friday, 7,
At home at recording & platting. Hulbert is scraping away the dirt from the cellar. Get 2 bushels of corn meal of Steve at \$3.20.
- Saturday, 8,
Hulbert scrapes in the forenoon at the cellar. He & I go to town in the P. M.
- June, Sunday, 9, 1867.
Go to J. R. Vansandt's in the afternoon via Willis Sutton.
- Monday, 10,
Commence the survey of Vansandt addition to Mound City. Showers in the evening.
- Tuesday, 11,
Continue survey of Vansandt's addition at Mound City beginning the S W 1/4 of the N W 1/4 of the S W qr of Sec No. 8 T 22, R 24 E.

- June, Wednesday, 12, 1867.
Hulburt works today. At 10 o'clock finish Vansandt's survey of the SW 1/4 of the NW 1/4 of the S W quarter of section No. 8, and receive \$10.00 of said J. R. Vansandt for service in said survey. Also \$10.00 jointly of D. W. Cannon & J. F. Broadhead. Pay F. C. Bacon \$1.75 for tin churn 4 1/2 G. \$1.25 for tin pail with ~~xxxx~~ cover, 2 1/2 gal. \$1.00 wash bowl, \$1.00 for tinning Coffee pot & \$3.00 for stove pipe. Total \$8.00 Cr. by old copper 20 cts.
- Thursday, 13,
Pay Steve \$7.30. \$3.60 of which is for the meal & toll money of the 7th inst. E. Q. Mumford works for me today Work at plat of Vansandt addition to Mound City.
- Friday, 14,
At home. E. Q. Mumford works for me today. Continue at platting Vansandt's addition.
- June, Saturday, 15, 1867.
Finish Vansandt's platting in forenoon and commence platting road from Jas. Arthur's toward Mapleton. E. D. Mumford at work yet. Had a shower in the night of last eve.
- Sunday, 16,
At home. Wm. Taylor here. Go with him as far as Vansandt's field.
- Monday, 17,
At home making plat of road from near J. M. Arthur's to Saddler crossing Big Sugar thence toward Mapleton. Hulburt works 1/2 day, 50 cts plowing in orchard. Gets 2 plows sharpened, 50 cts. \$1.00.
- June, Tuesday, 18, 1867.
At home sick in bed with the fever. Wm. Taylor here and he agrees to build my house for my Huggins and Kempton property and a hundred dollars besides. Sends plat of Vansandt's addition to Mound City & of Arthur's road to Co. Clerk by him (Wm. Taylor).
- Wednesday, 19,
Rains about 7 o'clock A. M. Gives W. Taylor key to Huggins house, receives \$5.00 J. M. Barlow. Pay Hood for 3 yards Dening 1.50, 4 yds. of light coat stuff 2.20, thread 10 cts, 1/2 cream of tartar 30, 2 lbs. of sulphur 50 cts. one bottle of yellow dock and Stillings 1.00 and 2 1/2 lbs. Castile soap 1.00, balance acct. 1.90 in all \$8.50.

Thursday, 20,

Taylor & J. Q. A. get Taylor's runners to draw Taylor's house on. I got to M. C. Sessions, Esq. & received \$11.00 for surveying. Pay him 2.00 for cutting Pimp & Pimp. Pay 1.00 for oil can, 1.00 for oil, 35 cts. faucet, 1.10 to Steve on balance months work.

June,

Friday, 21,

1867.

Pimp castrated. Go to Linnville to survey on the 1/16th Ba low, concludes the ground is too wet. Buy of J. Hood a bolt of bleach muslin 40 yds, 16 2/3 cts. \$6.75. 10 yds. muslin at 20 cts, \$2.00, 3 yds. Nankeen at 45 cts. 1.35. 3 yds. of buff 35 cts., 1.05; 2 boxes tetter ointment at 1.00, Total. Thread 50 cts, \$12.65. Paid J. Hood \$5.00.

Saturday, 22,

At home nursing a big boil that is under my left arm at the shoulder. Try to plat and record some.

Sunday, 23,

Go to Turkey Creek school house. Hears Mr. Jared preach.

June,

Monday, 24,

1867.

At home platting and recording notes. Hunt houses part of the day. Hulburt helps and planting potatoes.

Tuesday, 25,

Go & survey for Jas. Hutchins on Sec 11 Hulburt plants potatoes for me today.

Wednesday, 26,

Commence to rain soon after day light and quite a wet forenoon until about 9 o'clock when it clears up again. Go to Jas. Hutchins in P. M. to survey but he puts off work until tomorrow & I go back home.

June,

Thursday, 27,

1867.

Surveys in the forenoon for Jas. Hutchins, in afternoon J. Farlin at the piece of timber lane he has bargained for of Mrs. Emma S. Barber. Gothome just before sun down. Sow has 7 pigs this morning.

Friday, 28,

Morning pleasant. Work all day at calculating content for Hutchins and Farlin.

Saturday, 29,

At home at recording. Polly horse, gets stung with the honey bees.

June, Sunday, 30, 1867.
At home all day. Wm. Taylor here awhile in afternoon.

July, Monday, 1,
Goes to sec 16, T 21, R 24, and commence survey of said Sec 16 for Kansas State School funds. Zachariah Fleeming, Hiram & John Barrick as 1st in the afternoon. Warm, still & clear. Steve hauls wood 1/2 day.

Tuesday, 2,
Continue survey of Sec 16. Fleeming, John & Hiram Barrick & 1/2 the day Enoch Estep assist. Frear, Dewey Mumford & Steve cut wheat.

July, Wednesday, 3, 1867.
Continue same survey Sec 16. John & Hiram Barrick, Enoch Estep & B. Fleeming assist. Frear & Steve & Dewey Mumford harvest wheat. Splendid showers in P. M.

Thursday, 4,
Continue survey of Sec 16. Mr. Frear & Steve harvesting wheat. Mr. Frear gets sick ere night. Splendid shower of rain about 1 o'clock. Zachariah Fleming, John and Hiram Barrick assist at survey.

Friday, 5,
Continue survey of sec 16 in T 21, R 24. John, Hiram & Joseph Barrick & B. Fleming assist. David Frear & Steve only out at wheat and rye today. Rained last night.

July, Saturday, 6, 1867.
Continue same survey, John Barrick helps all day and Joseph Barrick 1/2 day. Steve, David Frear & Dewey Mumford worked a half day at harvesting. Heavy rain from the northwest commencing about one o'clock P. M.

Sunday, 7,
At home all day.

Monday, 8,
Work in P. M. on sec 16 with John Barrick putting in corner stone. David Frear, E. D. Mumford & Steve harvest rye & wheat. Rain some in the morning between 7 & 9 o'clock.

July, Tuesday, 9, 1867.
At home. Make plat of sec No. 16, T 21, R 24. Observe variation of the Mag. Needle. David Frear works in harvesting of wheat. Steve plows corn with the old mare with of the house. Dewey Mumford hoes corn. Sunshine & south wind.

Wednesday, 10,

At all day recording Geo. Farlin's survey. David Frear and Steve at wheat and Rye all day. E. Dewey Mumford 1/2 the day except Steve plowed corn and hoed potatoes &c in A. M.

Thursday, 11,

At home. At Farlin record till noon. Commence record of H. A. White & others survey. Weather lowering. Rains this evening and wets the ground just right to make things grow finely.

July,

Friday, 12,

1867.

Continue record of survey for White and others. T. Hulburt agrees to dig out balance of cellar for 13.00 dollars & he and Dewey Mumford work at it to day.

Saturday, 13,

Help Mr. Taylor (Wm) drive the cow and calf home for which he makes me a sand board for the wagon. AT J.Q.A. Pay 88 cts Tuition to H. L. Bailey, Treas. Scholl Dist. No. 5 for last winter's school. Also bought washboard 45 cts. Soda, 4 lbs. 65, Matches 25, soap 50, Needles & nails 20, 2 yds. towels 50. 1 pattern summer pants 1.35, total 4.98 cts. Recd of Bailey 1.00 for instruments & 3 from P. Crustal.

Sunday, 14,

At home all day. Rained last night & this morning.

July,

Monday, 15,

1867.

Stay t home all day. Hulburt digging cellar. Paginton & McRae come along, trade a bear & sow pig to paginton for 20 bushels of oats. Try to record some.

Tuesday, 16,

At home. Hulburt commences plowing fallow land for wheat and talks of sowing 12 acres on shares, me to find seed and team; he to have on third the wheat, I to pay 2/3 expense after being shocked. Steve works at wheat. I work at plat of Montgomery Tp. in pocket book.

Wednesday, 17,

Hulburt continues plowing fallow land. Steve worked at wheat. I making pocket plat of Montgomery Township.

July,

Thursday, 18,

1867.

In P. M. work at record of sixteenth section in T 23 of Range 25. Steve binding wheat & Rye. Hulburt plowing fallow. At evening shows signs of rain.

Friday, 19,

Rained from about 2 o'clock A. M. till 7 1/2 o'clock A. M. rained very steadily & wet the ground thoroughly; raised branches. Hulburt at cellar. I at record of sec 16, T 23, R 25 1/2 the day, balance at section 9 of same Town. and Range. Steve pays 90 cts. tele for me at Farlin and Eastens mill.

Saturday, 20,

At home at record of surveys nO. 112 & 113 &c. Hulburt at cellar. Steve hoes corn for me and finishes tying up the wheat.

July,

Sunday, 21,

1867.

At home. J. D. McGee & E. Rees call. Go with Mo. as far as J. Q. A.'s. Steve gets 3/4 gal. Molasses.

Monday, 22,

Go to ~~Eymann~~ Strong's to commenct the survey of road from Mansfield to Holt's Mill. Rains so that the viewers do not come till noon. I help Bailly to make plats of Linn Co. Kan. Commence surbey of road in P. M. Lyman & Edward Strong chain. Viewers all present.

Tuesday, 23,

Continue survey of road from wansfield to Holt's mill & complete the same. Get home at sundown. Today Wm Murray and Lyman Strong chain. Viewers all present who are, Franklin Newall, Myron M. Corban & John Q. Adams. Steve hoes corn today.

July

Wednesday, 24,

1867.

Atack wheat at home. T. Hulburt helpt me. Warm, threatening rain.

Thursday, 25,

Stace wheat & Rye in A. M. T. Hulburt, Steve & Jesse Lynch help me. Rain before 12 o'clock. Hulburt works at plowing potatoes 1/2 the P. M. after which a heavy rain with heavy thunder comes along.

Friday, 26,

At home. Make plat & return of road from Mansfield to Holts Mill.

July,

Saturday, 27,

1867.

Very warm. Hulburt digs in cellar forenoon & plows potatoes in afternoon. I record survey for Sessions in A. M. & work at records of road in P. M. being road from J. M. Arthur southward toward Mapleten. Pay Dewey Mumford \$5.00, sent by Hulburt.

Sunday, 28,

At home. Mr. Jared is here.

Monday, 29,

Take plat of road to J. Q. Adams (Mansfield & Holts Mill road). Steve & Jesse haul in balance of rye & oats & stack it. Hulburt breaksfallow till 5 P. M. I work at record of Arthur & Mapleten road in P. M.

July, Tuesday, 30, 1867.
Making plat of Arthur & Mapleton road. Hulburt plows in P. M. at fallow. Steve completes digging cellar, drain & charges \$4.00 therefor. Threatens rain. Summer heat today.

Wednesday, 31,
Worked at plat of Waymire's road. Steve putting in rocks in drain. Hulburt plows fallow.

August, Thursday, 1,
At records of survey of sec. 26, 21, 22 Waymire's. Hulburt plows fallow.

August, Friday, 2, 1867.
Survey for Wm. Gallaher in Sec 6, T 22, R 22. Guess Hulburt plows.

Saturday, 3,
Hulburt plows 1/2 day. Received \$7.00 of Wm. Gallaher for surveying. Received \$129.25 of Co., L of K. B. S. F. \$72.00 which is fee for my ~~annual~~ service as surveyor. Pay 35 cts. for wood and 20 cts for putting on irons to singletree, \$4.00 for to plow, .15 fixing fire shovel, \$2.00 for lamp & 23.74 for dry goods at Way & Lefhire. Boots 5.00, shoes 5.00, muslin at 22 cts per yd. 8.14, calico at 17 cts. 5.10, thread 50 cts, mending 50 cts. J. Q. A's 4th son born this P. M. \$30.00.

Sunday, 4,
At Wolfinger. Pay \$20.00 for 1/4 of the mill. Paid Hood \$8.66 being balance acct. Pay leave school money with Hood to pay chainmen & markers in surveying of sec. 16, T 21, R 24. Pay Steve \$22.90 & square accts. Pay Peggy \$3.50 & square accts.

August, Monday, 5, 1867.
Went to Mr. Stowe's to survey in section No. 22, T 22, R 24 & on the way stopped Mound City filed accts. with J. R. Vansandt, the County Clerk worked all day for Mr. Stowe. Received 35 cts of Mr. C Hardy for survey commenced Jan. 14th '67.

Tuesday, 6,
Survey for Ezra P. Moon in sections No. 15, T 22, R 24 & complete the survey commenced April 20, '67.

Wednesday, 7,
Complete survey for Mr. Stowe soon after noon and surveyed in P. M. for John T. Cannon section 15, T 22, R 24.

August, Thursday, 8, 1867.
Go to section No. 18, T 23, R 25 to survey for Wm. Wallace Meech.

Friday, 9,
Complete surveying for Mr. Meech about noon & received \$7.80 cts. therefor of him. Go to sections 12 & 13, T 23, R 25 & commence surveying for Wm. N. Haslet, Jas. W. Hopkins, Ely and Frame.

Saturday, 10,
Continue survey for Wm. M. Haslet & co.

August, Sunday, 11, 1867.
At Hasletts & Hopkins.

Monday, 12,
Complete surveying for Haslet & co & receive of Wm. M. Haslet \$5.00, of J. W. Hopkins \$2.00, of Frame \$2.00. In P. M. the Co. with Wm. Appleton correct corners in Sec. No. 15, T 23, R 25. Splendid showers of rain in late afternoon. Had no rain before for weeks.

Tuesday, 13,
Rectify corners in sec 16, T 23, R 25. Allow Mr. Applegate \$1.50 for helping me & run a line for Mr. Reating for help at same thing worth \$1.00. Leave Andrew Morrell about Sunday and come home. Paid \$1.00 to Kinkaid for 3 blank books small for pocket. David Hill at noon helped hay.

August, Wednesday, 14, 1867.
At home trying to plat & record some. At Ezra P. Moon survey. David Hill continues at hay.

Thursday, 15,
At home at platting & recording. Sent to McRae \$15.00 give it to (a blot and cannot tell what it is). Pay Steve \$10.00 for 10 days work commenced on the 5th inst. Pay David Hill \$1.00 for haying he haying worked today.

Friday, 16,
Go to Meund City to see folks at the show. Pay 50 cts for 2 1/2 lbs. sulphur. Pay 1.50 cts for Easterly Iodine & sarsaparrilla 1 bottle. 15 cts for lead pencils & 25 ct for salve & 120 cts for 1/2 lb. tea, total \$3.60. All hands at the show.

August, Saturday, 17, 1867.
At home. Steve helps chore in the P. M. D. Hill at hay again.

Sunday, 18,
At home. At Mr. Jared, at J. Q. A.

Monday, 19,

Survey road commencing at or near the center of section No. 36, T 21, R 23, thence eastward through center of sec 36 & 31 &c, stopped at J. R. Brooks over night not being able to find Jacob Fleeming whom I want to thresh for me. Steve 1/2 day, Hulburt, Wm. Mumford & David Hill help at hay all day.

August,

Tuesday, 20,

1867.

Come home via John Wolfinger & the dreary Paris. Steve starts to Cherokee Indian country. Hulburt, Wm. Mumford & David Hill at haying. At P. M. commence record for J. R. Vansandt.

Wednesday, 21,

At 12 o'clock A. M. commence to record of Martin Farlin & Eas. Hutchins. survey. Hulburt, Wm. Mumford & David Hill at mowing cocking hay.

Thursday, 22,

Making record of survey of sec No. 16, T 21 S, R 24 E. Of 6th P. M. Hulburt, Wm. Mumford, & David Hill at hay making.

August,

Friday, 23,

1867.

Continue making plats of section No. 16, T 21, R 24, part of the day and part thereof helped haul and stack hay. Wm. Buffinton, Wm. Mumford & T. Hulburt & David Hill help at mowing, hauling hay &c.

Saturday, 24,

Stacking hay. Hulburt, D. Hill, Wm. Buffinton helped. Pay Dave Hill \$5.00.

Sunday, 25,

At home. McRae & family here. Give them 2 1/2 gallon jug full of molasses.

August,

Monday, 26,

1867.

Go to Linnville. Buy a new pitch fork of J. Hood \$1.50. At Muse's to dine, go with him to see about a threshing machine. At David Anderson where I seen Mr. Sheek who agrees to cut the grass for me. David Hill, Wm. Buffington helped at hauling &c. David's brother helps till noon.

Tuesday, 27,

Hauling hay. Grubbing &c. David Hill & Wm. Buffington helped. Wm. B. Sheek comes to help with his machine and two horses.

Wednesday, 28,

Sheek mowing grass. Wm. Buffington, David Hill grubbed &c. I go to section 31, T 22, R 23, to survey for Hunt, parks & others.

August, Thursday, 29, 1867.
At survey of sec. No. 31, 21, 23, for Hunt, Parks & others
Mr. Sutton helps at the hay, also David Hill & Wm. Buffin-
ton. Wm. B. Sheek completes mowing about 10 o'clock.

Friday, 30,
Finish surveying for John R. Parks, John Hunt, Truefit
Received of John Hunt for such survey \$4.50, of John R.
Parks \$4.50, Due from Truefit \$3.00. David Hill & Wm.
Buffington worked at hay cocking & hauling.

Saturday, 31,
Haul hay. Billy Bufington & David Hill help me.-----
Threatens rain. David helps to 15 1/2 days at \$20.00
per month, amt \$11.96.

September, Sunday, 1, 1867.
At Mr. Frears. At Mr. John Johnson. At home.

Monday, 2,
Road survey. Met at John Ellingtons. Viewers. Wm. S.
Hunt, John Ellington & Amos Durbin. Chainmen, Henry
White, and John Ellington. Marker, Wm. David White. Got
home at dark. T. Hulburt, Dewey Mumford and Wm. Bufing-
ton worked for me at the hay & c.

Tuesday, 3,
Go to J. S. Sutton's to commence the survey of Valley
City. Steve hauls two little jags of wood. Hulburt
digs in cellar. Paid \$1.00 for soap.

September, Wednesday, 4, 1867.
Continue at survey of Valley City. Josephine goes for
plums.

Thursday, 5,
Completes the survey of Valley City and gets home about
5 1/2 o'clock. Hulburt & Dewey M. digging at the cellar.
Paid \$3.75 for a week.

Friday, 6,
Went to Mound City. \$0.75 in repairs to a wagon. \$6.00
for a pair of horse collars & \$2.50 in harness repairs &
\$14.30 for 220 lbs. flour at 6 & 7 dollars per hund.
In all \$23.50. Paid Curry the harness maker \$5.00, also
keep the flour sacks at 60 cts.

September, Saturday, 7, 1867.
Levelling for E. A. Deland for which I charge him \$4.00.

Sunday, 8,
At home. Wm. Paginton & wife & son, J. Q. Adams & wife
and son, Sumner Corban were here today, also Martha Jared
& sister (little).

Monday, 9,

Go to see about getting a threshing machine. Cold day rains some. Cloudy, dark & dismal.

September,

Tuesday, 10,

1867.

Go to S W corner of Lynn County, Kansas, near Mount Sterling Bourbon Co., Kan. to survey for David Collins, Jasper M. Broady & others. going to survey of sec 14, T 23, R 21.

Wednesday, 11,

Survey section 14, T 23 R 21 for Jasper Broady. Chink Israel Camp and Moses White comb. Receive \$8.00 of J. Broady for said survey.

Thursday, 12,

Survey section 11, T 23, R 21 for David Collins & receive \$8.00 there. For chainmen Jasper M. Broady & Joseph Wesley Puckett.

September,

Friday, 13,

1867.

Survey E. line of sec 13, T 23, R 21 for Samuel P. J. Griffith & Geo. S. West & receive \$6.00 for same. Chainmen Jasper M. Broady & Jas. N. Swagerty.

Saturday, 14,

At home. Try to plat and record some. Pay for David Hill sent by Dewey Mumford to annex amt. of \$2.00. It rains some.

Sunday, 15,

At Wm. Paginton in P. M.

September,

Monday, 16,

1867.

Went to Mr. Parents on sec. 22 32, T 20, R 24. Come home by Fumuses.

Tuesday, 17,

At home at record of Mr. Strong's survey & go and engage hands to thresh.

Wednesday, 18,

Help Mr. Mense thresh wheat & oats, 50 bushels wheat & 100 of rye.

September,

Thursday, 19,

1867.

At home making plat of Valley City till 2 o'clock P. M. Then go to Lewis Albright's to meet the machine but they had gone by Mansfield & got there about dark. Go by Mansfield for better road.

Friday, 20,

Threshed 33 bush. of rye & 89 bush. of wheat at 10cts per bus. Paid to Jas. Selaming & Cady. Gail Lemlin 11 bush. Paid \$22.00 Frear 10 bus. and L. Strong per Lemlin 4 bus. Mr. Jared 8 bushels. Mr. John Wolfinger 4 bushels of wheat and 3 bushels of rye. Mr. Mase, Mr.

J. S. Sutton and son, Mr. prear and part of the day his son, Mease. Charles J. Jared/a young man from Mr. Fleming helped thresh.

Saturday, 21,
At home. Sowed a little wheat. Borrowed 71 lbs. of beef of Mrs. Jared. Paid Nov. 4, '67.

September, Sunday, 22, 1867.
At home. Nancy Jared, Mary Sutton here. Wm. Bufington here for whom I write a letter to Rector Buffington. Mr. Parks call to buy rye. Mr. Port at Steve.

Monday, 23,
At home sowing wheat. David Hill plowing. I making plat for Valley City.

Tuesday, 24,
At home sowing wheat & making plat of survey for Simmons & Davis. David Hill plows.

September, Wednesday, 25, 1867.
David Hill plows I sow wheat & chore.

Thursday, 26,
Appear at Fist. Court with plat of survey for Simmons & Davis. Paid Deland balance \$10.90 cash for 220 lbs. flour bought Sept. 6th inst. Paid \$3.40 to Kincaid for muslin, Paid \$0.75 for bridle rein & bits & 15 cts. for mending the bits. Sold 4 dosen for 50 cts. Paid balance on pair of shoes 25cts. David Plowing in wheat.

Friday, 27,
David Hill plowing. I doing chores. Went to Wansfield & to Mrs. Wright. Pay \$1.12 for Kansas Farmer for 1 year. Tho. Barwick agrees to work a month for \$20.00 for me.

September, Saturday, 28, 1867.
David Hill plowing & harrowing. I go again to Wansfield to get my wagon repaired for which repairs I pay Hawthorn \$2.85 & owe balance \$1.15. Owe blacksmith \$4.85 & besides agree to pay Tho. Barwick \$0.50 forr helping blacksmith. Total for repairs \$9.35. Hunted for Nell 1/2 the day.

Sunday, 29,
At home. At J. Q. A. awhile, Wolfinger here awhile. He and I at Hulburt's awhile. I cannot find Nell.

Monday, 30,
At home, sow some wheat. Measure corn ground bought from Steve amounting to 6.76 acres at \$7.50 per acre. Thomas Barwick commenced months work at noon at \$20.00 per month.

October, Tuesday, 1, 1867.
T. B. at work. I, at home in A. M. Clean out spring with help of T. B. Sow 2 bushels wheat. Hunt Nell & Jared's ponies in the P. M. but we do not find them. Get home at 9 o'clock in P. M. & eat supper.

Wednesday, 2,
Hunt for Nell all day but do not find her.

Thursday, 3,
Go again for Nell. Go via Holts Mill, Mr. Sharp circling to south & round to Mr. Venduson's thence to crossing of Military road from Fort Leavenworth to Fort Scott on Mine creek, thence down on east side of creek to Alonso Wurtmans & cross Mine cree again & go up on the W. side to Mr. A. C. Bender's whose girls saw such horses as I hunt. Stop at J. W. Garretts.

October, Friday, 4, 1867.
From Mr. Garretts & go north to Mr. Craigs thence to lower Ford on Mine creek thence to widow Bell's farm, thence via Widow Wordfin's across Walnut creek, thence up E. side of Walnut via McHenry's, Manning's, Littell's to John Holm's where I stay till Sunday morning. No tidings of horses.

Saturday, 5,
This morning take a chill, have fever, lie in bed all day; vomit a considerable after drinking considerable water; vomit reddish yellow fluid but no food or heard substance.

Sunday, 6,
Eat a little bread, start home. At Mr. Palmer's stop to rest, get good water & lie down, get more water and go on. Lie down again at J. L. Cannon's, stop at Mr. Moon's, lie down at J. R. Vansandt's. Get home at dark very tired. 36 years old now, enter 39th year.

October, Monday, 7, 1867.
Chill & crazy fever till noon. Fever more or less all the day which I spent in bed. Very very tiresome, drank a good deal of water & vomited about a gallon more or less colored yellowish all fluid. Hulburt pays David Hill \$5.00 for me.

Tuesday, 8,
At home, able to do nothing & do nothing. Pay Steve 5.50 cash. Pay Merchandise, Apples 50, Coffee & Tea 2.00, Ayres Ague Cure 1.00

Wednesday, 9,
Chill & fever but not quite so hard as of Monday. John Bernath of Ottawa arrives after dark and he & family wish to stay over night & do stay. He wishes me to do surveying for him in sec. 6, T 20, R 22, Twp. 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

October, Thursday, 10, 1867.
Tho. Chills in evening, did a few chores. John Dermath
chills & gets away about 3 P. M.

Friday, 11,
Barwick still chilling, I have no chill but very stupid
sorely tired & have indications of Typhoid fever. Jose-
phine goes to Dr. Kempton & gets 10 pills for liver,
commence taking ten at 7 P. M. When Barwick is chilling.

Saturday, 12,
Complete taking the 10 pills, take a wash all over and 2
table spoonfuls of Castor oil & go to bed, oil operates
pretty well. Thomas Barwick & family take my team &
go to Oakwood to Henry & Wm. Scotts. 1st killing
frost this A. M.

October, Sunday, 13, 1867.
Feel some better though quite feeble this morning. Dr.
Kempton call just before noon & leaves me some more
medicine, liver pills to be taken once in two hours &c.

Monday, 14,
Paginton comes at noon to work. T. Barwick gets back from
Henry & Wm. Scotts at 1 o'clock P. M. P. g. digs potatoes
Barwick picks them up.

Tuesday, 15,
Feel stouter copy field notes some. Barwick and Paginton
hauling fodder and corn from patch W. of house. Pay
Steve 8 1/2 dollars.

October, Wednesday, 16, 1867.
Paginton & T. Barwick both working for me. I go to
Mr. Jared awhile. Write some.

Thursday, 17,
Pag. & Barwick work for me I moving round nearly all
day ~~continuously~~ eat nearly full ration. Steve leaves
13 1/2 bushels of corn with me for safe keeping. Also
calves and pigs.

Friday, 18,
Paginton goes for a load of sand & breaks a wheel & then
goes home soon after dinner. T. Barwick harrows awhile
commence to plow. & takes a chill about 10 o'clock A. M.
& quits for the day. I go to McGee's to vansfield
with the broken wheel after sowing 2 bushels wheat.

October, Saturday, 19, 1867.
T. Barwick works till mid P. M. then goes to Oakwood to
line yesterday & today making a out 1 days work. I go to
convention at Centerville, Get 15.00 dollars due me of
McGee, also 17.00 dollars which borrow of McGee to pay
Steve. McGee comes home with me & trades horses with
Steve, give McGee 40 cts for Jesse.

Sunday, 20,

At home. Walker Allen pays me \$4.00 due for surveying.
Pay Steve \$36.00 cash Josephine and I da go to Rees's.

Monday, 21,

At home puttering round Borrowed \$20.00 more of McRae
Pay Steve \$18.25 toward cow and 85 cts. to Bill & Jesse,
also \$1.00 for corn in the crib.

October,

Tuesday, 22,

1867.

Steve & Brother Bill start back to the Cherokee nation?
T. Barwick gets back not able to work. Steve takes
7 1/2 bushels corn out of the crib again.

Wednesday, 23,

Unload sand & go to Mound Vity. Receive \$3.00 of J. R.
Vansandt. Buy Josephine and Ida each a pair of shoes @
\$2.50 per pair, pay \$3.00 on them. Pay Hawthorn \$0.25
for T. Barwick's tobacco & \$0.25 for postpaid stamps.
See Judge Linton about surveying Kempton's acre of land.
Barwick not able to work. He goes to town with us.

Thursday, 24,

Recording Wm. Gilaher's survey in A. M. Went to Dr.
Kempton's in P. M. to survey the acre sold by Linton to
Kempton in sec 11, T 21, R 23. Take honey to for Jo. to
Mrs. Kempton. Get bottle of Medicine for T. Barwick, fine
east line of Dr. Kempton's lot.

October,

Friday, 25,

1867.

Friday, at home doing little chores, fix the floor in
our cabin. Send McRae 3 bushels Rye. Barwick able to
do no work.

Saturday, 26,

At home doing very little. Too weak and puny to do much.
Barwick chops down a hickory east of the house on the
side of the hill & rolls part of it down the hill. Go
to Hulburts and get our barrel of Melasses.

Sunday, 27,

In P. M. take Melasses barrel back to Hulburts to be re-
filled. Go on to J. Q. Adams & stay till sundown then
come home via P. O. at Mansfield. Barwick leaves for
parts unknown he not informing us whither he goeth.

October,

Monday, 28,

1867.

Do not go to survey for John Dernuth in sec 6, T 20 in
Range 22 because I am not able to go and because he did
not write according to arrangement that he is able to
meet me there. Sow wheat west of house. David Hill
plowing in the wheat. Write to John Dernuth & G. S. West.

Tuesday, 29,

David Hill at work plowing, hauling rails, wood & c. I lounging round at a little walk, a little chore, rest on the lounge or in the chair.

Wednesday, 30,

David works. I chore some, go to Kemptons & get some strengthenin bitters. Benj. Craig of Mo. comes.

October,

Thursday, 31,

1867.

David Hill works. I grinding ax, draw knife, chopping knife, old butcher and shears and make an ax handle. Dave completes digging potatoes. Mr. Craig goes back to Missouri via his old place.

November,

Friday, 1,

David Hill works at grubbing & c. I at home lounging.

Saturday, 2,

David Hill hauls 2 loads of sand with my team. Hulburt & I help Mr. Jared set up his sugar mill.

November,

Sunday, 3,

1867.

At home all day, quite cold. Josephine & the two Elder girls go to meeting. Wind from Northblows quite hard.

Monday, 4,

Borrow J. Q. A.'s Pig. butcher the roan heifer/ sell Price Hill on his boy's acct/ a fore quarter 790 lbs. beef at \$4.74. Sold Wm. Mumford 15 lbs. choice at 1.50. Francis Hill works instead of David & breaks my new fork at 1st dab.

Tuesday, 5,

Francis Hill chops woodin A. M. and in P. M. all hands have to fight fire coming from the S. W. Very dry and very windy day. I take 82 lbs. beef to waginton, 27 lbs. to Morae, 3 1/2 to Rees, 76 1/2 lbs. to Jared and go to Mansfield & vote for freedom.

November,

Wednesday, 6,

1867.

No one to help me so I take the team and go to mill at Farlin and Baston's mill. Francis Hill hauls wood in forenoon and fights fire in afternoon.

Thursday, 7,

No one here to hep me so I take the team and go to mill at Farlin and Baston's with 6 bush. wheat ' get about 150 lbs. flour therefrom, toll out. Very dry windy weather. much damage done by fire.

Friday, 8,

Go to Mrs. Fletcher's to survey for was. Fletcher get early dinner and work in P. M. Receive \$3.00 therefor and pay John Fletcher \$ for marking pine.

November, Saturday, 9, 1867.
Go to Md. City. Receive \$5.00 dur for surveying, of Dr. O. C. Bender Bal. of \$8.00 for 4 bush. wheat sold to Mr. Strong \$2.00 (\$4.92 to pay Caroline Jared & \$1.00 owed at store. Receive \$4.50 of Wm. B. Lewis & \$0.30 of Wm. B. Grimes both for surveying. Pay bal. note to J. B. Huggins \$13.75. Receive \$2.00 of J. L. Cannon at J. P. Ways which I pay to Mr. Way, being bal. due on shoes. Still owe \$0.75 for tape line.

Sunday, 10,
At home, At Mr. Jared's. At Mr. Hulburts.

Monday, 11,
Surveyin for Mr. B. F. Craig in sec. 10, T 21, R 25.
Em. Mumford hauls sand.

November, Tuesday, 12, 1867.
Continue survey for B. F. Craig & Lloyd. Wm. Mumford hauls sand.

Wednesday, 13,
Complete survey for B. F. Craig. Wm. Mumford hauls sand & Craig Dr. to surveying \$15.00.

Thursday, 14,
Staid at Beno Pen DeMoss over night. Went to trading post this morning. Got J. Q. Adams Jo's Bible. gave Mr. J. C. Goss a description of our strays. Took dinner at Beno Pen Demoss's. Came home via Fletchers. Em. Mumford hauls sand. Hulburt at cellar.

November, Friday, 15, 1867.
Em. Mumford hauls sand. Hulburt at cellar. I go to TurkeyCreek mill to survey for David Linton. Get home at dark without completing survey.

Saturday, 16,
Wm. Mumford fixed yard and hauls cornshocks. Continue survey for D. Linton, get home after dark Hulburt at cellar.

Sunday, 17,
Went to J. D. McRae's. Sutton and Robinson girls here.

November, Monday, 18, 1867.
Went to John Johnson's who agrees to begin laying the cellar wall 20 inst. Go to Mound City. Receive \$3.25 of Strong for Rye. \$6.00 of Bacon for Stows surveying. \$6.00 of Sta. School fund for surveying in sec 16, T 25, R 25. Pay Hulburt \$10.20 Mr. J. P. Way, Cr. by 1 coat \$13.00 beaver, 1 paid Cashmere pants \$7.00. Pay 60 cts work at 10 cts per light. Wm. Mumford hauls sand.

Tuesday, 19,

Got 15 bushels of slacked lime & rock at Frear and Johnson Kiln. Go to Wolfinger, get dinner and spend 2 or 3 hours. Wm. Mumford haul a load of lime & some corn and fodder. Hulburt 3/4 of day in cellar by the day for me.

Wednesday, 20,

Wm. Mumford hauls wood & sand. Hulburt putters for me getting things read ~~to~~ lay cellar wall. Driskell & J. Johnson come to begin cellar wall, dress a few rocks and go to the shop with their tools.

November, Thursday, ~~xxx~~ 21, 1867.

Wm. Mumford hauls load of sand and goes for scraper. Hulburt tends Mason, John Driskell, Mason & I go to the mill to see logs.

Friday, 22,

Wm. Mumford hauls fodder in forenoon. Trys to scrape in P. M. 1/2 the P. M. Francis Hill scrapes. I superintended the scraping of the dirt from around the cellar. Indications of rain, cloudy.

Saturday, 23,

Still cloudy. Wm. Mumford shucked corn. Francis Hill scraping dirt from the cellar with horses and scraper. Josephine goes to "Duchman's". I at recording Stowe survey.

November, Sunday, 24, 1867.

Go to hear Mr. Jared preach. He & wife here in P. M. Rain some before and after dark. Does more good than any previous rain since about July in moisting the ground though it did not rain much.

Monday, 25.

Wm. Mumford shucked 6 shocks of corn. Francis Hill at scraping. John Johnson at cellar. Old Mr. Driskell with him in A. M. Go to see Taylor in P. M.

Tuesday, 26,

Wm. Mumford pound rock in cellar. Francis Hill tends Mason. J. Johnson & Driskell at cellar. I go survey for Merritt McDowell. Froze last night quite considerable. Foggy morning and cloudy P. M.

November, Wednesday, 27, 1867.

Francis Hill works in cellar tending Mason & c. Wm. Mumford hauls load of lime and works in cellar. J. Driskell & J. Johnson at cellar wall. I continue surveying for McDowell. Clear up near the middle of forenoon and becomes a beautiful day. Josephine attends school meeting. Hulburt becomes treasurer.

Thursday, 28,

Hulburt completes his \$13.00 in the cellar Francis Hill & Wm. Mumford here in the A. M. Rains too much in the P. M. J. Johnson works till noon at cellar. Wm. M. hauls 15 bu. lime. At noon I cease surveying for McDowell stopped at Fraer's and got home at 3 o'clock. Commenced to rain in the A. M. ceases till night when it snows.

Friday, 29,

Hulburt & Mr. Hill helps me butcher my two fat pigs. One weighs 203 lbs. the other 140. Cold winter day. Snow fell last night at the depth of 5 or 6 inches.

November,

Saturday, 30,

1867.

Cold November morning Mercury sank to 14° above zero. Clear wind arises from the south, snow melts but very little. Sent Mr. Hulburt 22 lbs. of pork. Sold Mr. Hill 23 lbs. for \$2.30. Give him ribs &c for his little help at butchering.

December,

Sunday 1,

At home, loitering about awhile. Josephine & Ida goes to Mound City to see Sina Barwick. She had gone to her brother Henry Scott on the old homestead of her father's.

Monday, 2,

David Frears scraped 1/2 day. I started at noon (or 12 o'clock) for Mr. Wm. Snooks near Twin Springs and got there after dark. Mr. Jared and son also go there. Wind from the east in P. M.

December,

Tuesday, 3,

1867.

Foggy & rain some before day light. Rain increases. Survey in A. M. and quit on acct. of rain. Survey north line of the N. W. of section 34, T 19, R 23.

Wednesday, 4,

Survey all day in the same section 34. Foggy morning but clear off toward noon.

Thursday, 5,

Continues surveying in sec 34. Hulburt works in cellar 1/2 day on acct. with 1/2 days on Francis Hill acct.

December,

Friday, 6,

1867.

Completes surveying of sec. 34 at dark. Francis Hill works 1/2 day tending wagon.

Saturday, 7,

Begins surveying Twin Springs Prairie. Chain 5 miles. Start home at 1/2 past 7 P. M. Francis Hill works all day tending wagon. Receive \$10.00 for Wm. Snook for surveying.

Sunday, 8,

At home. Repair house with family. Give him \$10.00 I owe him.

December, Monday, 9, 1867.
Go to Farlin's Mill get 208 feet 2 X 8 X 12 stuff. Go home via Wm. Taylor. Give him \$10.00 to Mrs. J. Q. Adams to be paid to be Sumner Corban for J. D. McRae, he giving it me to be delivered as above.

Tuesday, 10,
Go to Farlin's Mill and again they agree to saw for us tomorrow. Francis Hill attends Mason today.

Wednesday, 11,
Go to Farlin's Mill & make out to haul 10 logs up to the vicinity of the saw from the log yard. T. Hulburt haul a load of sand. Francis Hill tends Mason. Wind changes from the south to the N. W. and after dark snows some, blows colder. Get 15 bushels ~~xxxx~~ about 3/4 slack lime from Frear & Johnson.

December, Thursday, 12, 1867.
At Farlin's & Bastons mill. Help them saw my lumber, work hard all day. Haul 14 logs to mill from log yard by help of Mr. Frear. Yesterday hauled in one of J. S. Sutton's logs through mistake & sawed it today into 1/2 inch stuff making 310 feet of good lumber.

Friday, 13,
Threatens sotrmy today but clears off before noon. I go to Farlin & Bastons Mill & get a load of lumber 338 feet.

Saturday, 14,
Hulburt hauls lumber for me today, 3 loads from F & B's Mill. I nearly laid up with sore leg. Amount of lumber hauled today 12.10 feet Bastons measure.

December, Sunday, 15, 1867.
At home till late in P. M. I go to Mr. Frear's, David Frear & I take a horse back ride through the brush & rocks. My leg is much better.

Monday, 16,
Go to Farlin's & Bastons Mill again, but the do not saw today. Moses Frear & T. Hulburt worked for me today. Hulburt tending mason & making drain in cellar. Moses hauls 3 loads of lumber.

Tuesday, 17,
Hulburt works in cellar at drain. Moses Frear hauls lumber (4 loads). from Turkey Creek mill (Farlin & Baston) I help saw at same mill, worked hard. Received to appear at Justice Court before Jesse Brown, J. P., Mound City.

December, Wednesday, 18, 1867.
Hulburt hauls lumber and wood. I make plat of Turkey Creek Mill & vicinity.

Thursday, 19,
Butchered cow (Lill) & sold to Price Hill 90 lbs. at 6 cts. per lb. McRae 106 lbs. at 6 cts. Tomlin 95 lbs. at 8 cts. & Hawthorn 70 lbs. at 8 cts. Hulburt agrees to pay for 22 1/2 lbs. pork rather than to return it.

Friday, 20,
Hulburt works at cellar & wood. Go to Mound City a witness in justice Court before Jesse Brown, J. P. Case Kempton against Walters. Receive \$75.00 Co. Orders of Co. Clerk. Receive 1.00 of A. C. Bender both in (partial) payments for surveying. Go to Mr. Moon's, Eza P. & stay over night. He agrees to pay J. P. Way \$9.00 ore New Year's.

December, Saturday, 21, 1867.
Received 75 cts. of Barton Snyder for survey. Pay 1.10 cash toward Hulburt delinquent tax. Use \$3.20 Co. order of Hulburt & get receipt. Pay \$2.00 & receive therefor 16 lbs. dried apples. Pay 5 cts. for thread, 20.00 for nutmeg, 15 cts for cinamon, & 25 cts for cream of tartar. Give evidence in Court & come home.

Sunday, 22,
At home till near 5 o'clock when I go to Mr. Sneeks near Twin Springs.

Monday, 23,
Hulburt works at ditch 3/4 day. I work at survey at section 22, T 19, R 23.

December, Tuesday, 24, 1867.
Complete surveying of sec. 22 and commence the survey of section 23. Hulburt works at tending Mason.

Wednesday, 25,
Puts in cellar deer frames. Hulburt & Hill haul two barrels of water & make a lot of mortar and go home again. Perhaps 1/2 a day work. Josephine, Rec & Mary & I go in evening to J. B. Mopae's. Get home about 10 o'clock P. M. Ida & Ellen stayed at home.

Thursday, 26,
Make window frames. Hulburt works. Wm. Mumford hauled a load of lime, 15 bush. stacked from Frear & Johnsons. Mrs. Robinson here.

December, Friday, 27, 1867.
Hulburt works at wason tending. I make window frames
and help put them to their place. I go in P. M. to
survey near Twin Springs.

Saturday, 28,
Hulburt hauls wood & putters with the cow that suks
herself. I at Homisons survey. In the evening I commence
survey of Sec. 27 for Mr. Achey.

Sunday, 29,
At Mr. Henry Achey's.

December, Monday, 30, 1867.
Continue at Mr. Achey's.

Tuesday, 31,
Complete Mr. Achey's survey and come home in the night
facing cold sharp south wind. Get home about 10
o'clock P. M. Hulburt works till sent for to come home
because Mrs. Hill is about to die. He & he goes home
about the mid P. M.

-----oOo-----

Geo. H. Lessley, being first duly sworn states that as
stenographer to the Commissioner to the Five Civilized Tribes, he
made the above and foregoing from the originals thereof, the same
being the diaries of William B. Emerson of Lynn County, Kansas, for
the years 1866 and 1867, and that the same is a true and correct
copy as he verily believes.

Geo H Lessley

Subscribed and sworn to before me this 22nd day of January, 1907.

Chas E Hebskin

Notary Public.

Doubtful as to Nettie Eaton.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I.T., May 6, 1901.

In the matter of the application of Tom Eaton for the enrollment of himself, wife and four children as Cherokee Freedmen.

Tom Eaton, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A Tom Eaton.
- Q Who is it you want to enroll besides yourself? A Just me and my children.
- Q How many children? A I have got four.
- Q How old are you? A I don't know my age just exactly, I am about 39 I guess.
- Q What is your postoffice? A Spavinaw.
- Q In what district do you live? A Saline district.
- Q Have you lived in the Cherokee Nation all your life? A Yes sir.
- Q Have you always been a duly recognized and enrolled Cherokee Freedman? A Yes sir.
- Q Give me the name of your father? A My father's name was Phil Barker.
- Q You don't take your father's name? A No sir.
- Q How did you happen to take the name of Eaton? A My owner was Eaton.
- Q Is your father dead? A Yes sir.
- Q How long has your father been dead? A I don't know just exactly how long he has been dead.
- Q Did he die when you were a child? A I was took away south and he went north, he belonged to the white folks.
- Q He died then away back towards the war? A Yes sir.
- Q So we will not find him on any of the rolls? A No sir.
- Q Give me the name of your mother? A Rachel Eaton.
- Q Is she dead? A Yes sir.
- Q How long has she been dead? A She has been dead, oh ~~about~~ been twenty years I guess.
- Q Now give me the names of your children? A Stephen Eaton.
- Q That is the oldest child? A Yes sir.
- Q How old is that child? A 14 years old.
- Q Now give me the name of the next child? A The next child is Alice, she is dead.
- Q Well, we will not count her; the next one?
- A The next one is ~~Johnanna~~ Johnanna, she is living.
- Q How old is Johnanna? A She is 8 years old.
- Q Now the next child? A Nina.
- Q How old is Nina? A She is 6.
- Q The next child? A Phil.
- Q How old is that child? A He is 4.
- Q That is all? A Yes sir.
- Q Are these children all living now? A Yes sir.
- Q Is their mother dead? A No sir, she isn't dead.
- Q Why do you not apply for her? A She is not on the same roll that I am on.
- Q She does not claim to be a Cherokee Freedman of her own right?
- A Oh yes sir.

- Q Are you living with her? A Yes sir.
- Q Why don't you apply for her? A Her brother always fixed her business up.
- Q You have got charge of her now; you are married now? A Yes sir.
- Q You had better apply for her. Give me the name of your wife? A Nettie Eaton.
- Q How old is your wife? A She is about 35.
- Q Do you say she is a Cherokee Freedman of her own right? A Yes sir.
- Q When did you and her marry? A We have been married about 16 years I think.
- Q Has she lived in the Cherokee Nation all her life? A Yes sir, all the time.
- Q Has she always been a duly enrolled and recognized Cherokee Freedman? A Yes sir, she has always been here.
- Q She has always been admitted to the rolls? A Yes sir.
- Q Give me the name of her father? A Her father's name is Steve Lynch.
- Q Is he dead or alive? A He is dead.
- Q How long has he been dead? A I expect he has been dead about 25 years I guess, or 20 years, as near as I can guess.
- Q Give me the name of your wife's mother? A Peggy Lynch.
- Q Is she dead? A Yes sir, she is dead.
- Q How long has she been dead? A Well, she has been dead about 18 years I think.
- Q Have you somebody here who knows that you and your wife are living together as husband and wife? A Yes sir, Al Lynch.

Al Lynch being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Allen Lynch.
- Q How old are you? A 61 years old.
- Q What is your postoffice? A Vinita.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Do you know the applicant here, Tom Eaton? A Yes sir.
- Q Do you know his wife? A Yes sir.
- Q What was her name before she married this man? A Nettie Lynch I suppose it was, or Nettie Henry; her father belonged to Joe Lynch, the man I belonged to.
- Q Was she kin to you? A No sir.
- Q But you know her? A Yes sir, I knew her.
- Q Have you known her all her life? A Yes sir, lived right by her.
- Q You know she and this man are living together as husband and wife? A Yes sir.
- Q How many children have they? A I can't tell you that.
- Q Have they got as many as four children? A Well sir, I don't believe I have seen over two or three of them; they live about ten miles from me.
- Q You haven't exactly kept the run of his family? A No sir.
- Q Was his wife ever married except to this man? A No sir.
- Q Did you ever hear of him being married except to this woman? A No sir.
- Q Have they lived together ever since their marriage? A To the best of my knowledge.
- Q How about how long since that marriage, as near as you can come? A They have been married fifteen or sixteen or seventeen years, I don't know how long.

Tom Eaton, recalled, testified:

- Q Did you have any brothers and sisters in 1880 enrolled with you? A No sir, I had a brother named Ev, but he was to himself.

The 1880 Authenticated roll of Cherokee Freedmen examined, and the applicant, Tom Eaton, identified thereon, page 630, No. 400, Saline district, as Thomas Eaton.

- Q Was your wife called Nettie Henry as well as Nettie Lynch?

A Yes sir, Henry as well as Lynch.

The applicant, Nettie Eaton, not on 1880 Roll.

Q Who was your wife with in 1880, did she have any brothers or sisters? A Jess Vann was her brother.

Q How could she be named Lynch or Henry and her brother named Vann, and she never married except to you? A His owners was a Vann; this George Vann enrolled here a while ago was his brother.

Q Could she have been enrolled as a Vann? A No sir, they were by different fathers as near as I know about it.

Q Is there any other name except Lynch you can suggest for her mother? A They might have enrolled her as Peggy Henry.

The 1880 Authenticated roll of Cherokee Freedmen examined, and the parents of applicant, Nettie Eaton, not found thereon

The 1896 census roll of Cherokee Freedmen examined, and none of the applicants identified thereon.

Q Did you draw Cherokee strip money? A Yes sir.

The Kerns-Clifton pay-roll examined, and the applicants identified thereon as follows:

Eaton. Tom Eaton on page 21, No. 517, Saline district; as Thomas Stephen Eaton on page 21, No. 518, Saline district; Johnanna Eaton on page 21, No. 519, Saline district.

Q Did you draw strip money for your child, Nina? A No sir, I didn't draw for her.

Q Were you ever married except to this wife? A No sir, never was.

Q Was she ever married except to you? A No sir.

Q Did your wife draw Cherokee strip money? A Yes sir.

Nettie Eaton on Kerns)Clifton roll, page 124, No. 3099, Saline district; in column "Cherokee authenticated roll No."

Nettie Eaton No. 25, "admitted;" approved Wallace roll No. 3232; Clifton approved roll No. 3060; Office NO. 3099.

Commissioner: The applicant applies for the enrollment of himself, his wife and four children. He is identified on the roll of 1880 and on the Kerns-Clifton roll, as a Cherokee Freedman. He is not identified on the roll of 1896, but he states that he gave his name in and it appears that his failure to be enrolled is due to no fault of his. He testifies that he has lived in the Cherokee Nation all his life, and he will now be listed for enrollment as a Cherokee Freedman.

His wife is identified on the Kerns)Clifton roll, but not on the roll of 1896 or upon that of 1880. Neither is her mother who is said to have died 18 years ago, identified on the roll of 1880. The Kerns-Clifton roll indicated that his wife was at one time "admitted." Her marriage to the applicant some sixteen years ago is established by his own and other satisfactory testimony, and it also appears that neither nor his wife were previously married, and that they have lived together ever since their marriage. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of her rights, both as an intermarriage Cherokee Freedman and as a Cherokee Freedman in her own right.

Of the four children named in the application, the two older, Stephen and Johnanna, are identified on the Kerns-Clifton roll. They appear to have been omitted from the roll of 1896 through neglect, and through no fault of their own. They are now living, and will be listed for enrollment on Cherokee

Freedmen. The applicant is desired to supply the Commission with proper certificates of birth of the two younger children, Nina and Phil Eaton, who are not upon any roll. When this is done, these children will also be listed for enrollment as Cherokee Freedmen.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) BRUCE CL JONES.

Sworn to and subscribed before me this the 6th day of May, 1901.

(Signed) C.R. BRECKINRIDGE,
Commissioner.

Josie Davies, Stenographer to the Commission to the Five Civilized, having been first duly sworn, states that the above and foregoing is a true and complete copy of the original testimony in the matter of the above application, taken at Vinita, I. T. May 6, 1901, now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this December 21, 1904.

Charles H. Springer

Notary Public.

File with F D 393, Jacob Bean.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 8, 1901.

In the matter of the application of Neatie Martin for enrollment as a Cherokee Freedman; she being sworn and examined by Commissioner T. B. Needles, testified as follows: Mr. Mellette, Attorney for Applicant, present.

- Q What is your name? A Neatie Martin.
Q What is your age? A 54.
Q What is your postoffice? A Vinita.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled as a Freedman of any other tribe or nation? A No sir.
Q Did you draw any money from any other nation or tribe? A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A No sir.
Q Is your name on the roll of 1880? A I don't know whether it is or not.
William Mellette: Is your name on the Kerns Clifton Roll? A Yes sir, I drew money then.
Q Were you a slave during the war? A Yes sir.
Q Who was your master? A Washington Adair.
Q Where did you live? A Down on Saline.
Q Did you leave the Cherokee Nation during the war? A Yes sir.
Q Where did you go? A To Fort Scott, Kansas.
Q When did you return to the Cherokee Nation? A In '66.
Q Who did you come with? A My brother brought me.
Q Who is your brother? A Tobe Bean.
Q How did he happen to bring you? A Father got him to go after me and bring me; my husband was sick, I couldn't come, and he said I would lose my home if I didn't come.
Q Did Tobe Bean come to the Cherokee Nation before you did? A Yes sir, and then went back and got me.
Q How long before he come after you before he come here? A About a month.
Q And what time of the year in '66 was it you were brought here by your brother? A In the fall.
Q Why didn't you come when Tobe come and the rest of the band? A I wasn't aboe to come.
Q You were sick? A Yes sir.
Q And in a short time he returned and brought you back? A Yes sir.
Q Where did he bring you to? A Down here on the river.
Q Have you lived in the Cherokee Nation continuously since that time? A Yes sir.
Q Is your husband living? A No sir.
Q Do you own a place in the Cherokee Nation? A Yes sir, living on a place.
Q Where? A Down on Grand River.
W. W. Hastings: You didn't come with your brother Tobe, as I understand, when he first come? A No sir, not with that crowd.
Q He come and got a wagon and went down after you? A Yes sir.
Q Just you and your brother come back? A Yes sir.
Q Did you have any children? A Yes sir.
Q Did they come with you? A I had two.
Q What children you had? A Yes sir.
Q What were their names? A Louis and Rachel.
Q They come with your brother? A Yes sir.
Q That was all? A Yes sir, that was all I had.
~~Q That was all in the crowd? A That was all my children; my~~
~~cousin was along. He is dead now.~~

Q What was his name? A Tobe Martin.
 Q Along with that crowd was you, and your brother, and your two children and Tobe Martin? A Yes sir.
 Q And that was in the fall of the year? A Yes sir.
 Q You are positive that was in '66? A Yes sir, they said it was in '66.
 Q It must have been that time then? A Yes sir.
 Q You don't know whether that was before or after Christmas? A It was before Christmas. Christmas is way in the winter.
 Q What kind of a team did your brother have? A I don't know, sir.
 Q You don't remember? A I don't remember.
 Q Was it an ox team or horse team? A It was a horse team.
 Q Did you have more than one wagon? A We had two wagons.
 Q Who drove the other wagon? A There was another man with us.
 Q What other man? A Tobe Martin.
 Q Was he here before? A Yes, sir.
 Q The two came up in two wagons? A Yes sir.
 Q And where did you come, to what point did you come? A Down to Grand River.
 Q Down in the Bean settlement - down near Island Ford? A Yes sir, to my father's house, Sandy Bean.
 Q Did your father come before you did? A Yes sir, father was the one that wanted me to come he was anxious for me to come and not lose my home.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not identified thereon.

The Kerns Clifton Roll of the ~~Cherokee~~ Freedmen of the Cherokee Nation examined and the name of the applicant is identified on page 168, No. 4144, Neatie Martin, Cooweescoowee District.

Tobe Bean, being sworn by Commissioner Needles, and examined by Attorney William Mellette, testified as follows:

Q What is your name? A Tobe Bean.
 Q How old are you? A 63, I guess.
 Q Where do you live? A In Delaware District.
 Q Do you know Neatie Martin? A Yes sir.
 Q Do you know where she was in the year 1866? A Yes sir.
 Q Where was she? A She was in Kansas part of the year, and the balance part she come down here along in the winter.
 Q How do you know she come down here? A She come with me here in the winter of '66.
 Q How did you happen to bring her? A She was my sister, and I went there and she wanted to come with me, and I brought her.
 Q How about your going back? A I went back.
 Q Well, did you come here first? A Yes sir, I come here first, and went back early in the winter, and then she come with me when I come back.
 Q Why didn't she come with you the first time? A I wasn't prepared to bring her; I just come to locate.
 Q How long after you arrived here, did you go back after her? A A month I guess, or a little afterwards.
 Q Did you get back here with her before Christmas? A Yes sir.
 Q Where has she lived since that time? A Over on Grand River.
 Q W. W. Hastings: You went back in a wagon after her? A Yes sir, we went back in a wagon.
 Q Who went with you? A Joe Bean, Tobe Martin.
 Q Who else? A Walker Vann.
 Q Anybody else? A No sir.
 Q How many wagons did you take? A We carried two.
 Q Who drove the other? A Joe Bean drove one and Walker drove one.
 Q Didn't you drive one? A No sir, I didn't drive one.
 Q What wagon did she come back in? A She come back in her own.

- Q She had a wagon up there? A Yes sir.
 Q How many wagons come along when you come back? A Three.
 Q Then you didn't take a wagon up there for her? A I took a wagon along.
 Q But she come back in her own wagon? A Yes sir, we helped her to move.
 Q Did her husband come with her? A No sir.
 Q Any children? A Yes sir.
 Q What children? Two I believe.
 Q They come back in the fall? A In the winter like; it wasn't in the fall; it was getting cold.
 Q The winter after you come in the fall before? A Yes sir.
 Q One was hers? A Yes sir.
 Q And one was Joe Bean's? A Yes sir.
 Q And who did the other belong to? A I don't know who it belong to, whether it belonged to Joe or not, Walker drove one of them.

George Vann, being sworn by Commissioner Needles, and examined by Attorney William Mellette, testified as follows:

- Q George Vann, your name? A Yes sir.
 Q Where do you live? A I live in Cooweescoowee District.
 Q Are you on the authenticated roll of the Freedmen citizens of the Cherokee Nation? A Yes sir.
 Q Do you know Neatie Martin? A Yes sir.
 Q Do you know where she was in the year 1866? A No sir, I don't. She come down here; I didn't see her until '67; about along Christmas up on the river.
 Q You don't know anything about her? A I think it was Christmas; no, it was January.
 Q Of what year? A '67 I think.
 Q It was the January after you came here? A Yes sir, the January after I come here, she never come with us.
 Q Now, when did you come here? A I come here in '66. It was either in the first of October or the last of September, I forget which. I don't know exactly.
 Q Did you come with Tobe Bean? A Yes sir.
 Q What do you know about Tobe Bean going back and getting her? A I don't know anything more than what he said. I didn't see her until '67.
 Q Where did you see her? A On the River, where they live on Island Ford.
 L. B. Bell: Where were they living there at Island Ford, George?
 A They were living as near as I can recollect where - close to the old Lynch's place.
 Q Locate it a little better than that, please? A I can't locate it any better.
 Q Where was it, down the river or south or where? A South.
 Q Out in the Prairie? A Yes, sir, kind of out in the prairie.
 Q How far from the river? A Not far from the river; I don't know how far.

Lou Bean, being sworn by Commissioner Needles, and examined by Attorney William Mellette, testified as follows:

- Q What is your name? A Lou Bean.
 Q What is your age? A 50 years old.
 Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
 Q On the authenticated roll? A Yes sir.
 Q Did you leave the Cherokee Nation during the war? A Yes sir.
 Q When did you come back? A '66.
 Q What time? A Fall of '66.
 Q Do you know Neatie Martin? A Yes sir, I knew her.
 Q Do you know where she was in 1866? (No answer)
 Q Where was she at the time she come back to the Cherokee Nation from Kansas? A I just couldn't tell you where she was.
 Q You didn't know where she was? A No sir.

- Q When did you see her in the Cherokee Nation, or do you know- do you remember the first time? A I seen her in the Cherokee Nation in '66.
- Q Do you know when she came, or how she came? A No sir, I don't exactly know who she come; she came in a wagon.
- Q You know who brought her? A Tobe Bean brought her.
- Q How do you know? A He went after her from home.
- Q How do you know? A He went after her from home.
- Q How do you know that? A He said that.
- Q Did you see him start? A Yes sir, I seen them when they started.
- Q You saw Tobe Bean start on his journey to Kansas after Neatie Martin? A Yes sir.
- Q Did you see them when they come back? A I seen them shortly after they come back.
- Q Was it still in the year 1866 when you saw them? A I don't know, sir, whether it was; I think it was though.
- Q How long after you got here when Tobe Bean stated after her? A Not very long.
- Q How long was he gone? A I just couldn't tell you, because I didn't keep a count.
- Q You know he did go back? A Yes sir, I know he went back after her.
- Q And that she come back? A Yes sir, she come.
- W. V. Hastings- Did Tobe go back by himself? A No sir, his brothers went back with him.
- Q What was his brothers' names? A George, Jack and Joe and Art.
- Q They all went back with him? A Yes sir.
- Q How many wagons did they take? A I don't know sir.
- Q Did each one of them have a wagon? A I couldn't tell you that, whether each one of them had a wagon or not.
- Q You know Tobe took a wagon for her? A Yes sir.
- Q You didn't see her as she come back? A No sir, I seen her shortly after she come back.
- Q You don't have any idea how many wagons they took? A No sir, I don't.
- Q You only saw the one? A I know he took one.
- Q Ox team? A No sir, they quit using oxen mostly then; they quit using oxen mostly then; they used to use oxen before the war; that had mostly quit using then then.
- Q You know what time of the year that was? A No sir.

Phyllis Bean, being sworn by Commissioner Needles, and examined by Attorney William Mellette, testified as follows:

- Phyllis Bean, your name? A Yes sir.
- Q How old are you? A I don't know exactly how old I am.
- Q About how old? A I guess about fifty.
- Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
- Q On the authenticated roll? A Yes sir.
- Q Were you out of the territory during the war? A Yes sir.
- Q Did you leave the Cherokee Nation? A Yes sir.
- Q Where did you go? A To Kansas.
- Q Did you come back to the Cherokee Nation? A Yes sir.
- Q When? A '66.
- Q Who came with you? A Tobe Bean, George Vann, my uncle Gilbert; a lot of them.
- Q Do you know Neatie Martin? A Yes sir.
- Q Did she come with you? A She come with Tobe.
- Q Did she come with that crowd? A No sir, she didn't come with that crowd.
- Q Who did she come with? A She come when Tobe went back.
- Q How long after you and Tobe came, did he go back after Neatie? A Not very long. I never kept count.
- Q Give an idea how long - one week, two weeks, or three weeks? A About three weeks, I guess.
- Q And how long was he gone after her? A He wasn't gone so long before he come right back.
- Q What time in the year had you gotten here, you and Tobe? A I don't know, sir, what time - in the fall of '66.

Q And you say you don't know how long he was gone after her? A I don't know just how long; we were on Spring Creek, and he stopped on the river where he is living now. I don't know how long he was gone.

Q Did you see her after she came? A Yes sir.

Q How long after she came? A Along afterwards Christmas.

Q Along after Christmas you saw her in the Cherokee Nation? A Yes sir, on the river.

W. W. Hastings- You gave your age a while ago about 46? A I don't know; I can't count good, never could.

Q You were but nine or ten years old when you came here? A I was older than that; I don't know how old.

Q You were just a girl then? A I was a young woman.

Q You never kept any count of years or time that time? A It was in the fall of '66.

Q What year is this? A I don't know.

Q The fact is you don't know a single year in the calendar? A No sir, I don't know a letter.

Q You heard the people say it was '66? A I know it was; I always heard talked of it when we come back home.

Q And you heard of it before you come here? A My uncle made a crop and came and brought us down here.

Q Which uncle? Gilbert.

Q He had made a crop here in the summer of '66? A No sir before.

Q What year did he make a crop, a year before he went up after you? A Yes sir.

Q How long before she come back here did you see her? A That winter.

Q Before or after Christmas? A Somewhere along Christmas.

Q You don't remember exactly? A No sir, I don't.

Q You weren't brought up to remember dates? A No sir.

L. B. Bell: You say you lived along Spring Creek? A Yes sir, that is where we went when I first come here with Miss Williams. He started from Spring Creek, he brought her along the river. Tobe brought her there.

Q Where was you about Christmas in '66? A I don't know where I was; I was somewhere close in the nation; I know I seen Margaret.

Q Where did you see her? A Up here on the river.

Q Whereabouts on the river? A At Uncle Sander's place, close to Lynch's place.

Q Sandy was living there in 1866, was he? A Yes sir.

Q He was living there at Island Ford in 1866, was he? A No.

Q Where was he living? A I don't know where he was living; they stopped up there on the river.

Q You say you saw her at Uncle Sandy's? A I said I saw her up on the river there.

W. W. Hastings: At what place did you see her, out in the prairie?

A We were in the prairie where they were living.

Q You don't know what place? A No sir, it was in the prairie on Lynch's Prairie.

Q Was it right on the bank of the river or on the prairie? A His place was close on the bank of the river.

Q And you don't know whether it was at old Uncle Sandy's house or not? A Yes, it was Uncle Sandy's.

Q I want to know whether he was living there at Island Ford in 1866?

A He was living on the other side of the river there.

Commissioner Needles)

Heatie Martin applies for the enrollment of herself as a Cherokee Freedman. Her name is not found upon the authenticated roll of 1880, or the census roll of 1896; her name is found upon the Kerns Clifton Roll. By reason of the fact that her name is not found upon the authenticated roll of 1880, the name of Heatie

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Martin will be placed upon a doubtful card, awaiting further consideration; her enrollment being protested by the representatives of the Cherokee Nation.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger.
Subscribed and sworn to before me this 9th day of May, 1901.

C. E. Breckinridge,
Commissioner.

Maud Cotner, the undersigned, being duly sworn, states that, as a stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy of testimony and that the same is a true and complete copy of the original on file with the Commission.

Maud Cotner

Subscribed and sworn to before me this the 31 day of July, 1902.

Prince C. Jones
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I. T. May 10th 1901.

In the matter of the application of Jess Vann for the enrollment of himself and three children as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Jess Vann.
Q How old are you? A. I claim to be about 50.
Q What is your post office address? A. Spavinaw, I. T.
Q What district do you live in? A. Saline district.
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. My six children and three of my sisters and two brothers.
Q Are your sisters and brothers under age? A. No sir.
Q Well they will have to apply for themselves. A. Yes sir, then I will just take the six children.
Q What are the names of your children? A. Three of them are of age.
Q They must apply for themselves. What are the names and ages of those under age? A. Frank, 19 years of age.
Q Next? A. Riley, 15 years old.
Q Next? A. Levent, 11 years old.
Q Are you married now? A. Yes sir.
Q What is your wife's name? A. Nancy.
Q Do you want to enroll her? A. Yes sir.
Q How old is she? A. She is about 40.
Q You say you want to apply for your wife? A. Yes I have been married twice.
Q Is your ~~wife~~ present wife a citizen? A. Yes sir.
Q Are you and her parted? A. Yes sir.
Q Is this woman here who has helped you with the ages of your children your present wife? A. No sir is my first wife.
Q You are not living with her? A. No sir.
Q Is your present wife here? A. No sir.
Q What is the name of your present wife's father? A. He died in the army I don't know her father.
Q What is the name of your wife's mother? A. Mary Hight.
Q Is she a citizen? A. Yes sir.
Q Who is the mother of these children for whom you apply? A. Emma Portle is her name now.
Q Is she a citizen? A. Yes sir.
Q What was her name in 1880, 20 years ago? A. Emma Vann.
Q Was she married to you then? A. Yes sir.
Q Were you a slave? A. Yes sir.
Q Who did you belong to? A. Joe Lynch.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A. Yes sir.
Q Is your name on the roll of 1880? A. Yes sir.
Q Have you ever applied to be enrolled as a Freedman of any other nation? A. No sir.
Q Have you ever drawn any money from any other tribe? A. No sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Were you taken south during the war? A. No sir I went to Kansas.
Q When did you return here? A. Fall of '66.
Q To the Cherokee Nation? A. Yes sir.
Q Have you been living here ever since? A. Ever since.
Q Why is your name not on the roll of 1880? A. I can't tell you.
Q Didn't you have to prove your citizenship to get your strip money? A. Yes sir we has all been proving it as long as I can remember.
Q Now let me understand you as to your wife, your present wife, do you make application for her or not? A. No sir not now.

By the Cherokee Representative, W. W. Hastings:

Q What was your fathers name? A. Stephen Lynch.
Q What was your mothers name? A. Well she went by three names, Peggy Lynch, Peggy Henry and Indian Peggy.
Q Did you come back here with him? A. Yes sir.
Q What time of the year did you return? A. In the fall.
Q How old were you then? A. I dont know exactly, 12 or 13 years old; may be younger, maybe older, I dont know exactly, never kept no count, never got to go to school in this country none.
Q What time in the fall did you get back, late or early.
Q Long in the middle of the fall.
Q Did you come here from Kansas after the war? A. Yes sir.
Q What point did you come to in the Cherokee Nation after the war? A. On the Joe Lynch place.
Q Up in Saline? A. Yes sir.
Q And you lived right there? A. Yes sir, one year and raised a crop there
Q Was George Clark right there then? A. No sir he was not in that part of the Territory.
Q Was Wat West there then? A. Wat West—god only knows where he was, some wheres, he didn't live on that side of he river.
Q You testified before the Kerns-Clifton Commission didnt you hat these people were living there in your neighborhood? A. They moved there 5 or 6 years afterwards.
Q Didnt you testify that they were living there when you got back right after the war? A. No sir, that they were living in the Community but not that they were living right there.
Q Your father was named Stephen Henry Lynch wasn't it? A. Yes sir, my step father.
Q Dont you know that your step father's rights were questioned because of his return? A. He may have been.
Q You know that you had to prove up before the Kerns Clifton Commission? A Yes sir we all had to prove up then; we have every one been proving up for some time it seems to me.
Q You know that your Step father was summoned before the Bob Daniels Court in '71 dont you? A. I dont know nothing about that, I was too young.
Q If your were 12 or 13, years old when you first came back to the Cherokee Nation after he war, you must have been almost grown in '71? A. Well I dont know nothing about that though.
Q Dont you know that your step father and his family had their rights disputed? A. No sir I dont know nothing about it, I wasn't grown.
Q Didnt you hear of it when you was about 17,18 or 19 years old? A. I cant tell nothing about my age, I never kept no dates or not notice of those things.
Q You dont remember dats at all? A. I dont remember dates but I remember times, I remember when things happened.
Q Who were some of your neighbors stangx around there at hat ime? A. Old man Scraper, an old fellow they called Pigeon, Old Shoemaker, and a fellow they called Birt-eater.
Q How far was these people living from you in 1866? A. I dont know exactly
Q Your step father was a Cherokee Freedman and lived here before the war? Yes sir he was owned by Joe Lynch.
Q The same owner that owned you? A. Yes sir.
Q Have you lived here ever since you came back? A. Yes sir.

By the Commissioner:

Q You had a step father did you? A Yes sir.
Q Who took you out during the war? A. My step father.
Q How old were ya then? A. I was a small boy then.
Q Have you been living in the Cherokee Nation ever since you came back? A Yes sir.
Q You were married to Emma Vann? A. Yes sir her name was McNair when I married her.
Q Was you her first husband? A. Yes sir so she says.
Q And she is the mother of these six children? A. Yes sir.
Q Who married you to Emma McNair? A Whole Fred Martin.
Q Is he living? A. No sir.

Jess Vann 3.

- Q Are these children all living? A. Yes sir.
Q Are they living with you? A. Yes sir.
Q Were they all born in the Cherokee Nation? A. Yes sir.

Fannie Miller, called and sworn as a witness, for the applicant, testified as follows: (examined by Commissioner Needles)

- Q What is your name? A. Fannie Miller.
Q What is your age? A. 43.
Q What is your post office address? A. Wymor.
Q Do you know Jess Vann? A. Yes sir.
Q Did you know his first wife? A. Yes sir, she was my sister.
Q Do you know that they were married? A. Yes sir.
Q Did you see them married? A. No sir, but they lived together as man and wife.

Emma Bean, called and sworn as a witness for the applicant, testified as follows: (examined by Commissioner Needles)

- Q What is your name? A. Emma Bean.
Q What is your age? A. 45.
Q Do you know Jess Vann? A. Yes sir.
Q Do you know his first wife, Emma? A. Yes sir.
Q Were they married? A. Yes sir.
Q Did you see them married? A. Yes sir my father married them.
Q How long did they live together as man and wife? A. I don't know.
Q Do you know their children? A. Yes sir.
Q Do you know Frank? A. Yes sir.
Q Do you know Riley? A. Yes sir.
Q Do you know Loveat? A. Yes sir.
Q Were they all born while they were living together as man and wife?
A Yes sir.

Anderson Lynch called and sworn as a witness, for the applicant, testified as follows: (Examined by the Commissioner, T.B. Needles)

- Q What is your name? A. Anderson Lynch.
Q What is your age? A. 64.
Q What is your post office address? A. Vinita.
Q Do you know Jess Vann? A. Yes sir.
Q How long have you known him? A. Ever since he was little.
Q Was he a slave? A. Yes sir.
Q Who did he belong to? A. Joe Lynch.
Q Did he go out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Kansas.
Q When did he return to the Cherokee Nation? A. He came back in the winter of 1866.
Q How do you know he returned then? A. I hauled him back.
Q Has he been here ever since? A. Yes sir.

By the Cherokee Nation, through V. F. Hastings:

- Q What point did you bring him to? A. On Lynch's place.
Q Has he lived there ever since? A. Yes sir in that neighborhood.
Q How long had you been here when you went up there to get him? A. A little over 3 years, I went after him about Christmas, a little before Christmas.
Q How long before Christmas? A. Well it was something like a month, it was in the fall of '98.
Q Was George Clark living there then when you brought him back? A. Yes sir.

Jesse Vann 4.

Q Was Watt West there then? A Yes sir.

Q His father was known as ~~Watt~~ Stephen Henry Lynch wasn't he? A Yes sir his step father.

Q Do you know when his father went before the Bob Daniels court after the war? A. Yes sir.

Q You know that his rights were disputed then don't you? A Yes sir.

Q And that he had a trial there? A Yes sir.

Q You were not a witness for him then were you? A. No sir I was not asked to come, but if he had I been asked to go I would have gone.

Q You didn't witness for him before the Kerna Clifton Commission? A I don't remember if I did or not.

Q Did you bring these people back in a wagon? A. Yes sir.

Q You had a wagon and team of your own? A Yes sir.

Q They didn't have any? A Yes his step father had one, but couldn't haul everything. Lon Lynch lives right there now, he was his young master and will know all about it.

By W. W. Hastings:

The Cherokee Nation offers in evidence from the minutes of the ~~Supreme Court of the Cherokee Nation~~ Special Court of Commission, Supreme Court 1871 of the Cherokee Nation, the proceedings of the Court had on Thursday June 8th 1871, found on page 68, which is as follows: "Cherokee Nation vs. Stephen Henry Lynch, charged with having returned too late, the court decides from the testimony that claimant is not entitled to Cherokee rights or citizenship under the Cherokee treaty of 1828."

By Commission-

The Kerna-Clifton roll of the Cherokee Nation examined and the name of the applicants identified thereon as follows:
Page 124, No. 3092, Jesse Vann, Saline District.
Page 124, No. 3096, Frankie Vann, Saline District.
Page 124, No. 3097, Riley Vann, Saline District.
Page 124, No. 3098, Leavitt Vann, Saline District.

The 1888 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

By Gen'l Needles,--Jesse Vann applies for the enrollment of himself and three children, Frank, Riley and Leavitt Vann. Upon an examination of the authenticated roll of 1888 his name is not found thereon; he is identified on the Kerna-Clifton roll according to the page and number of the roll as indicated in the testimony and the names of his three children as herein named are found and identified on the Kerna Clifton roll. He makes satisfactory proof as to residence, and he will be listed ~~out~~ as a Cherokee Freedman on a doubtful card, both he and his three children as herein named, awaiting the further consideration of the Commission. When the Commission arrives at a decision in regard to his case, he will be notified by mail.

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Chas. von Weiser, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 15th of May, 1901 at Vinita, K. T.

C. Harrison
Commissioner

To be filed with case of William Vann, et al., C. F. D.-#309:
Testimony of Anderson Lynch given in case of Harvey Martin, et al., C. F. D.#280.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 15th, 1901.

ANDERSON LYNCH, called and sworn as a witness by Commissioner T. B. Needles, testified as follows on the part of the applicant: (examined by COM'R NEEDLES.)

Q What is your name? A Anderson Lynch.
Q How old are you? A 64.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q As a Cherokee freedman? A Yes, sir.
Q Do you know the applicant here? A Yes, sir.
Q Did you know his father? A Yes, sir.
Q What was his father's name? A Nelson Martin.
Q Did you know his mother? A Yes, sir.
Q What was her name? A Henny Martin.
Q Is she living? A No, sir.
Q Was Nelson Martin a slave? A Yes, sir.
Q To whom did he belong? A Joe Martin.
Q Was he a Cherokee citizen by blood? A He was.
Q Was Nelson Martin taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Kansas.
Q When did he return to the Cherokee Nation from Kansas after the war? A He came to my place in '66.
Q Was you living there then--came to where you was living in 1866?
A Yes, sir, in the fall of '66.
Q Did he remain in the Cherokee Nation after that till he died?
A Yes, sir.
Q Was his wife Henny with him when he came to your place? A Yes, sir.
Q Has she been a slave before the war? A Yes, sir.
Q Who did she belong to? A To the same man.
Q Joe Martin? A Yes, sir.
Q Nelson and Henny Martin were this applicant's father and mother?
A Yes, sir.
Q And they came back to the Cherokee Nation in 1866? A Yes, sir.
Q Do you know Harvey Martin to be their child? A Yes, sir.
Q Did you know his wife's father and mother--his wife Gurtie?
A Her mother was named Phyllis Majors, yes sir I knowed her, but I don't know who her father was.
Q His wife is named Gurtie and her mother was named Phyllis Majors?
A Yes, sir, she is dead, Gurtie's mother. Q Was she a slave? A Yes sir
Q Who did she belong to? A I don't know the name.
Q Do you know where she was in '66? A No, sir.

BY L. B. BELL, Cherokee Representative:

Q What place were you living on in '66? A The Charles Landrum place, on this side of the river.
Q How long did you live there? A That winter and the next year I crossed the river and went on the Lynch place.
Q When did you get back here? A I came back in '66.
Q Did you see Lon Lynch in '66? Do you know him? A I know him, yes, sir, I rented a place from him.
Q You saw him in '66 did you? A I think I saw him in '66
Q You must have seen him if you rented a place from him? A Yes, sir.
Q What time in that year did you rent that place from him? A It was in the spring like.
Q You say Nelson Martin come to your place? A Yes, sir.
Q When? A In the fall of '66.

Q Well what part of the fall, there is three months of fall, was it the middle or early or late in the fall? A Frost was falling when he come down.
Q Did he settle there? A He never settle right away, he rented.
Q Where did he rent? A He rented a place from me.
Q Where was that place he rented from you? A On the old Harrison place.
Q In Saline District? A Yes, sir.
Q The other side of the river? A Yes, sir.
Q That was in the year 1867? A It must have been along there.
Q Then what became of him? A Then he moved from there and went and made a place where the Scrapers are living, there he got a place from Watt Johnson.
Q How far was that from where you were living? A About four miles.
Q Was that on Lynch's prairie? A Yes, sir, near there.
Q Where did you make a crop in '67? A I didn't make a crop that year at all, I rented it to old man Nelson Martin.
Q Do you recollect when you moved from the Landrum place to the Harrison place? A Must have been in '67, I don't know just exactly what month it was as I never kept no track of it.
Q You can't recollect when you crossed the river? A It was the next year after I saw Nelson Martin.
Q Well, if you say him in '66 that would be in '67 wouldn't it?
A Yes, sir.
Q And you say you moved from the Landrum place to the Lynch place after you had rented the Harrison place to Nels. Martin?
A Yes, sir.
Q When was that? A The following year after he come there--he come that late fall or winter and staid with me and camped out and then he made a crop the next year.
Q You are certain that Nelson Martin made a crop on the old Harrison place in the year 1867? A Yes, sir, as near as I can reason it out.
Q Do you think he brought his family with him when he come to your house? A Yes, sir.

O-O-O-O-O-O-O-O

J. O. Rosson, being sworn as stenographer to the Commission to the Five Civilized Tribes, says that he made the foregoing copy and that same is a true and complete copy of the testimony of Anderson Lynch given in the case of Harvey Martin, et al, C. F. D. #280, for enrollment as Cherokee Freedmen.

(Signed) J. O. Rosson,

Subscribed and sworn to before me this 12th day of August, 1901.

(Signed) T. B. Needles,
Commissioner.

O-O-O-O-O-O-O-O

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this the 20th day of May, 1904.

H. M. Vance
Chas. D. Sawyer
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 16th, 1901.

In the matter of the application of William Vann for the enrollment of himself, wife and one child as Cherokee Freedmen; said Vann being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A William Vann.
Q How old are you, Mr. Vann? A I don't know exactly somewhere about 45 or 46 years old.
Q What is your post office? A Lenopah.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, always said to be.
Q Is your name on the roll of 1880? A No, sir, I don't think it is.
Q Did you draw what is known as the Cherokee strip money? A Yes, sir.
Q Your name is on the Kerns-Clifton roll then? A Yes, sir.
Q Did you ever apply to be enrolled by any other tribe or Nation? A No, sir.
Q Who do you want to enroll besides yourself? A My wife and child
Q What is the name of your wife? A Hannah Vann.
Q How old is she? A About 40.
Q What is your child's name? A Annie.
Q How old is Annie? A About 17.
Q What is your father's name? A I was raised by a step-father, but my father was named Billy Vann.
Q What was your mother's name? A Peggie Lynch, sometimes called Peggie Steele.
Q Is she living? A No, sir.
Q Is your father living? A Yes, sir, my own father is living.
Q What is your wife's father's name? A Georgie Johnson.
Q Is he living? A No, sir.
Q What is her mother's name? A Nancy Watie.
Q Is she living? A No, sir.
Q Is your wife's name on the roll of 1880? A No, sir.
The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
Q Did you draw money for your wife too? A No, sir; I did on the Wallace roll.
Q Did you draw strip money for Annie? A Yes, sir.
Q Are you sure you drew money for Annie? A Yes, sir.

The Kerns-Clifton roll of citizens of the Cherokee Nation examined and name of applicant and his child found thereon as follows:

- Page 156, #3859, William Vann, Cooweescoowee District.
Page 156, #3860, Annie Vann, Cooweescoowee District.

The Wallace roll of Freedmen of the Cherokee Nation examined and applicant's wife found thereon, page 86, #3424, Hannah Vann, no district given.

- Q Now, what proof have you got of your citizenship, Mr. Vann; were you a slave? A Yes, sir;; I was born a slave.
Q To whom did you belong? A Belonged to Joseph Lynch.
Q Was he a Cherokee citizen? A Yes, sir.
Q Indian? A Yes, sir.

William Vann, et al--2.

Q Were you taken out of the Cherokee Nation during the war?

A Yes, sir.

Q When did you return? A The old folks said they got back in '66.

Q The old folks are not alive are they? A No, sir.

Q Why is your name not on the roll of 1880? A I could not say; I saw the census takers come around when I was, when I lived up on Verdigris in 1880, and then come around and took the census and I went down to see about it when they come around to take another census and they said my name was lost.

Q Have you got any witnesses here? A You may call Anderson Lynch.

ANDERSON LYNCH, being sworn and examined by Commissioner
T. B. Needles, testified as follows:

Q What is your name? A Anderson Lynch.

Q What is your age, Mr. Lynch? A About 64.

Q What is your post office address? A Vinita here.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Is your name on the roll of 1880? A Yes, sir.

Q Am a Cherokee Freedman? A Yes, sir.

Q Do you know William Vall, the applicant? A Yes, sir.

Q How long have you known him? A Ever since he was about able to crawl.

Q What was his father's name? A Bill Vann.

Q What was his mother's name? A Pig.

Q Was William, the applicant, born a slave? A Yes, sir.

Q To whom did he belong? A He belonged to old man Lynch.

Q Did his mother Peggie? A Yes, sir.

Q Well now, did Peggie Lynch, his mother, take him out of the Cherokee Nation during the war? A Yes, sir.

Q Where did she take him to? A They took him up into Kansas?

When did they bring him back? A It was in '66 when they come back; fall of '66.

Q Did his father and mother come back? A Yes sir.

Q Brought him with them? A Yes sir.

Q Were you along with them? A Yes, sir.

Q They come with you? A Yes, sir, come with me.

Q You are certain then they were here in 1866? A Yes, sir.

Q Did you know his wife, Hannah? A Yes, sir.

Q What was her father's name? A George Johnson.

Q What was her mother's name? A Her mother was named, I disremember; her mother died when she was a little bit of a thing.

Q Was she a born slave, Hannah? A Yes, sir.

Q Whom did she belong to? A Stand Watie.

Q Did her mother belong to Stand Watie also? A Yes, sir.

Q Was Hannah taken out during the war? A I don't know whether she was taken out or not, she was brought to her father along in '65, a little bit of a thing, with Mr. Cricket, he sent the child to them.

Q And Hannah has been living in the Cherokee Nation ever since '65? A Yes, sir.

Q And that you are positive? A Yes, sir.

BY J. B. BELL, Cherokee Representative:

Q You say they come back with you, who are they? A Uncle Bill and Bill Buffington and Uncle Steve.

BY COMMISSIONER NEEDLES: You missed Peggie? A Yes, sir, Peggie was along and Uncle Steven.

BY MR. BELL: Who was Steven? A Bell Buffington; Steven Lynch he went by.

Q When did you say they come back? A In '66.

Q Where did they stop at? A They stopped over at the Lynch place.

Q That is at the house where the old man lived? A Yes, sir.

Q What time in '66 was this? A Along in the winter, I could not tell just what month; it was a while before Christmas.

William Vann, et al.--3.

BY COM'R NEEDLES:

- Q Is Annie living, your child? A Yes, sir.
Q I understand you to say, now, you and your wife, Hannah have lived in the Cherokee Nation all your lives? A Yes, sir.
Q You don't know why your wife's name is not on the roll of 1880?
A All I can say that I married in '79, and went on outto Verdigris. In '75 she was enrolled with her folks and in '79 I married her and went over to Verdigris and when the census takers went in there they enrolled us both together and I just thought that was all right and I never knowed any more until I went to Council and could not find our names when this '80 business come up.
Q You say you married her in 1879? A Yes, sir.
Q And have been living together ever since? A Yes, sir.
Q Is she your first wife? A Yes, sir.
Q Are you her first husband? A Yes, sir.

COM'R NEEDLES:--William Vann applies for the enrollment of himself, his wife, Hannah, and his child, Annie. Upon examination of the roll of 1880 the names of himself and wife are not found, but they are found upon the Kerns-Clifton roll, and his child, Annie, is found upon said roll, according to the page and number of the roll as indicated in the testimony. His wife, Hannah, is identified upon the Wallace roll. He makes satisfactory proof as to residence. Now comes the Cherokee Nation by its representative, Mr. Bell, and asks that the testimony of Anderson Lynch taken in the case of Harvey Martin, on D. card #280, be made part of the record in this case. The said William Vann avers that he is the child of Peggie Lynch and that his wife is the child of George Johnson and Nancy Watie. None of their names are found upon the authenticated roll of 1880. They are all duly identified and make satisfactory proof as to residence. By reason of the fact that their names are not found upon the authenticated roll of 1880 and further fact that their citizenship is contested by the Cherokee Nation, William Vann, his wife, Hannah, and his child, Annie, will be listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card awaiting further consideration of the Commission. When a decision is arrived at the applicant will be notified by mail.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 17th day of May, 1901.

(Signed) C. R. Brockinridge,
Commissioner.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this the 20th day of May, 1904.

Charles D. Sawyer

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Daniel Lynch for the enrollment of himself, his wife and two children as Cherokee Freedman.

Daniel Lynch, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Daniel Lynch.
- Q How old are you? A 29 or 30 years old.
- Q What is your postoffice address? A Vinita.
- Q What district are you living in now? A I am working on the railroad, I can't hardly tell in what district I live in, the railroad divides the district, but then my home is over in Saline district.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
- Q Does your name appear upon the authenticated roll of 1880? A I believe not.
- Q Does your name appear upon any of the rolls of the Cherokee Nation? A Yes, sir.
- Q Who do you desire to enroll besides yourself? A Just two children.
- Q What are your children's names? A One is named Arthur.
- Q How old is Arthur? A He is about 4 years old.
- Q What is the name of the next one? A Her name is Lucene.
- Q How old is Lucene? A She is about 10 months old.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Her name is Mary Ross, was.
- Q Is she a citizen? A I think so, yes.
- Q Do you apply for her? A No.
- Q Why? A Why she will apply for herself.
- Q Then she had better apply for the children when she applies for herself? A No sir I will do that.
- By Edgar Smith, attorney for applicants: Was she on the 1880 roll or not? A I really don't know; I think now, I don't think that she was.
- Q Is her proof different from yours as to her citizenship? A I think she went in the Courts under her mother's heading if I mistake not.
- Q As Ross? A Yes, sir, at that time.
- Q Well, I think you had better apply for her as well as yourself and put all in one case, and then you can introduce any testimony you have got in regard to her in the same case.
- Commissioner: Are you and her living together? A Yes, sir.
- Q Do you want to be on the roll in one family or do you want to be scattered? A We don't want to be scattered, but I guess I went in one way and she another.
- Q That is what you want to stop doing. How old is Mary? A She is about 25, I think.
- Q Do you know whether her name is on the authenticated roll of 1880? A I don't think it is, I don't know.
- Q What is her father's name? A I didn't know him.
- Q What is her mother's name? A Her name is Nancy Ross.
- Q Is she living? A I think she is.
- Q What is your father's name? A My father's name was Stephen Lynch.
- Q Is he living? A Him, why no sir, he is not living.
- Q What is your mother's name? A Peggy Lynch.
- Q Is she living? A No, sir.
- Q Both dead? A Yes, sir.
- Mr. Smith: How old are you? A 29 or 30.
- Q Was your father a slave? A They said he was.
- Q Was your mother? A Yes, sir, I understand she was.
- Q Who are your witnesses here who know about these facts? A Old man Anderson Lynch.

Daniel Lynch - 2.

Q Anyone else? A No, I don't know anyone else.
Q Where do you live now, what is your post office? A Vinita.
Q How long has Vinita been your post office? A Why the last twelve years I believe.
Q Where were you born? A I was born down on Grand River, on Lynch's prairie, Saline district.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q Where were your children born? A They were born here.
Q Have you any certificate of your marriage to your wife? A No, sir, no certificate whatever.

Commissioner: You got your strip money did you? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kerns-Clifton roll examined, and the applicant Daniel Lynch identified thereon, page 159, No. 3927, Cooweescoowee district.

By J.S. Davenport, Cherokee attorney: Have you ever lived in the State at all? A I never have lived in the State.

The Kerns-Clifton roll examined and the applicant Mary Lynch identified thereon, page 152, No. 3782, Cooweescoowee district, as Mary Ross.

Mr. Smith: Are you on the Wallace roll? A Yes, sir.

The Wallace roll examined and the applicants identified thereon as follows:

Daniel Lynch on page 121, No. 2552, Saline district.

Mary Lynch not on Wallace roll.

Q Did your wife ever live in Tahlequah? A No, sir, not as I know of.

Anderson Lynch, being duly sworn by Commissioner Needles, testified as follows

Mr. Smith: State your name? A Anderson Lynch.

Q Where do you live? A Vinita here.

Q Do you know Dan Lynch here? A Yes, sir.

Q Do you know who his mother was? A Yes, sir.

Q Who was she? A She was Steve Lynch's wife.

Q What was her name? A Peggy Lynch.

Q Do you know Dan's father? A Yes, sir.

Q What was his name? A His name was Stephen Henry he went by pretty much, but it was Stephen Lynch.

Q Were they married? A Yes, sir.

Q Did they live together as man and wife? A Yes, sir.

Q Was Stephen a slave? A Yes, sir.

Q To whom did he belong? A Joe Lynch.

Q Was Peggy a slave? A Yes, sir.

Q To whom did she belong? A She belonged to Lynch too.

Q Where were they, if you know, when the war came up? A They were at the home place there on the river.

Q Did Stephen go out during the war? A Yes, sir.

Q Did Peggy go out? A Yes, sir, all of them were together.

Q Do you know when Steve came back? A Yes, sir.

Q When was that? A That was in the fall of '66 like.

Q Do you know when Peggy came back? A Yes, sir, she was with him, the whole family.

Q Came back together, did they? A Yes, sir.

Q Do you know where Dan was born? A He was born over here on Grand River on the Lynch prairie.

Q Do you know where he has been living since that time? A He has been just here in the country around working first one place and another.

By L.B. Bell, Cherokee attorney: Was this Steven's son or one of

Daniel Lynch - 3.

the older boys of Peggy? A Yes, sir, he is Steve's son.

Q This is a brother of William Lynch that applied here a while ago?

A Yes, sir.

Q When did you say they returned? A They came in the fall of '66 like.

Q Fall of '66? A Yes, sir.

Q Where were you living when they came back? A I was living down on the Lynch place.

Q The old Joe Lynch residence? A Yes, residence.

Q Did she have some children when Steve married her? A Yes, sir had two.

Q This isn't one of them? A No, sir, this was born since, them two that she had when Steve married her was Jess and Bill; they are all one family.

Q I will ask you another question; did Steve bring his family when he came first; Peggy and these children when he first came to your house? A Yes, sir, I helped him fetch them; this here one wasn't born then.

Daniel Lynch, recalled, testified:

~~XXXXXXXXXXXXXXXXXXXX~~

Mr. Bell: Your wife was called Mary Grubbs when you married her?

A Yes, sir.

Q She was living out at Dr. Frazier's when you married her? A She lived there a while.

Q And she came from Kansas a short time before she married? A I can't say where she came from.

Q Didn't she tell you? A No, sir, didn't tell me.

Q How long had you known her before she married you? ~~XXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~ Had she been living in the Cherokee Nation five or six years before you married her?

A I don't know, because I wasn't everywhere in the Cherokee Nation.

Q Where did you meet her when you met her here? A In Vinita.

Q She lived continuously in the Cherokee Nation five years before you married her? A No, for I don't know; every time I would see her she came in town, nearly every time.

Q You don't know where she was raised or nothing?

A No, sir.

Mr. Smith: Is there someone here who knows of your marriage to your wife, knew her before you married? A I believe not; there was a fellow out here yesterday, but I haven't seen anyone to-day.

Q Is there anybody here from town that knows that you and your wife live together or were received there as man and wife? A Yes, sir, I guess nearly everybody knows it.

Q Who; I don't want them all? A I don't know anyone right on the ground.

Q You get a certificate of your marriage if you can.

Commissioner: Daniel Lynch applies for the enrollment of himself, his wife Mary, and two children, Arthur and Lucene. His name does not appear upon the authenticated roll of 1880, but he is fully identified upon the Kerns-Clifton roll and the Wallace roll. His wife Mary is found upon the Kerns-Clifton roll. The names of his children are not found upon any roll, having been born after the rolls were compiled. They are all duly identified and make satisfactory proof of residence, but by reason of the fact that their names are not found upon the authenticated roll of 1880 and the fact of the protest of the Cherokee Nation, said Daniel Lynch and his wife Mary and his two children will be listed for enrollment as Cherokee Freedmen on what is known as a doubtful card, awaiting further consideration of the Commission. The applicant will be notified by mail when the Commission arrives at a conclusion. It will

Daniel Lynch - 4.

be necessary for him to file with this Commission satisfactory proof of the birth of the two children, Arthur and Lucene.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 17th of May, 1901.

W. H. Harrison

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 22, 1901.

In the matter of the application of Jacob Bean for the enrollment of himself and two children as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Jacob Bean.
Q How old are you? A About fifty, I guess.
Q What is your postoffice address? A Vinita.
Q What district do you live in? A I live in Delaware now.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and two children is all.
Q Give me the names of your children. A Bertha Bean.
Q How old is Bertha? A About 15.
Q The next child? A George.
Q How old is George? A 13 years old.
Q Are you a recognized citizen of the Cherokee Nation? A No sir, I guess not.
Q Is your name on the roll of 1880? A I guess not.
Q Is it on any of the rolls of the Cherokee Nation? A Yes, it ought to be.
Q What roll? A On the Clifton Roll and the Wallace Roll, I guess.

The 1880 authenticated roll and the 1896 census roll examined and the name of the applicants not found thereon.

The Kerns Clifton Roll examined and the name of the applicant is found on page 168, No. 4142, Jake Bean, Cooweescoowee District.

The Wallace Roll examined and the name of the applicant is found on page 100, No. 2143, Jacob Bean, Saline District.

- Q Did you draw strip money for those two children? A I did for Bertha.

The Kerns Clifton Roll examined and the name of the applicant's older child is found on page 168, No. 4143, Bertha Bean, Cooweescoowee District. The applicant's next child is not identified thereon.

- Q Are you married? A No sir, I am not married now; I have been married.
Q What was the mother's name of these two children? A Judie Henry was Bertha's mother's name before I married her.
Q What was the mother's name of George? A Sallie Bean.
Q Were you married to her? A Yes sir.
Q Was she a citizen? A She was recognized.
Q She living? A No sir.
Q What was her name before you married her? A Martin.
Q Is her name on the roll of 1880? A Sallie Bean and Sallie Martin.
Q She is the mother of George? A Yes sir.
Q Were you married to Judie Henry? A Yes sir.
Q Was she a citizen? A Yes sir; she was a citizen.
Q Is her name on the roll of 1880? A I don't think it was.

The 1880 authenticated roll examined for the name of Judie Henry, applicant's former wife and her name is not found thereon.

- Q Mr. Bean, where were you born? A I was born down here in Saline.
Q In the Cherokee Nation? A Yes sir.
Q Were you a slave? A Yes sir.
Q What was your owner's name? A Washington Adair.

2- J. B.

- Q Was he a Cherokee citizen? A Yes sir, I guess he was.
- Q He was a Cherokee Indian by blood? A Yes sir.
- Q Have you always been in the Cherokee Nation? A Until the war.
- Q Were you taken out during the war between the North and the South?
- A Yes sir.
- Q Where to? A I went to Kansas.
- Q How long did you remain in Kansas? A I don't know exactly how long I stayed there. I was quite a lad when I went.
- Q You were not a grown man? A No sir.
- Q When did you return to the Cherokee Nation? A In '66.
- Q How old were you when you returned, do you recollect? A No sir.
- Q Were you grown? A No sir, not quite grown.
- Q Have you lived in the Cherokee Nation continuously since 1866?
- A Yes sir.
- By L. B. Bell, Cherokee Attorney: Where did you start from, Jake, were you at Kansas, did you say? A Yes sir.
- Q Where did you start from when you started back here? A Started from Garnett.
- Q Who came with you? A Tobe and Art and a whole lot of them; I don't know who all.
- Q About how many was there in the crowd, do you think? A I don't know sir, there was several.
- Q Forty or fifty? A I don't know whether there was that many or not.
- Q Where did you enter the Cherokee Nation? A Down here on Grand River.
- Q Where did you get into the Cherokee Nation, what place did you first strike in the Cherokee Nation? A I don't know, up here on the line on the big road.
- Q Up on the birth line was it? A Yes sir.
- Q Was you in that Horse Creek fight? A No sir, I wasn't in that crowd.
- Q You weren't along in that crowd? A No sir.
- Q Did you come before or after that Horse Creek fight? A Just after.
- Q What time of the year was that? A Along in the winter I guess. As near as I can recollect it must have been along in the winter.
- Q You are certain you weren't in the Horse Creek fight? A No sir, I wasn't in that fight.
- Q Was Neatie along with you? A No sir, she wasn't with me.
- Q Was George Vann along with you? A No sir.
- Q You don't recollect anybody but Tobe and Art being with you?
- A There were several others; there were quite a crowd of us. I don't remember who all just was along.
- Q Who was your mother? A Her name was Rachel.
- Q What was your father's name? A Sandy Bean.
- Q You come along with old man Sandy Bean and his crowd? A Yes sir.
- Q That is you come along with your father and mother? A Yes sir.
- Q You don't know anything about that Horse Creek fight at all? A No sir, I don't know anything about that.
- Q Were you married? A No sir.
- Q You married since you came? A Yes sir.
- Q Is Tobe Bean your brother? A Yes sir.

Tobe Bean, being sworn and examined by Commissioner T.B. Needes, testified as follows:

- Q What is your name? A Tobe Bean.
- Q What is your age? A 65, I guess, or four.
- Q What is your postoffice? A Vinita.
- Q Are you a Cherokee Freedman? A Yes sir.
- Q Your name on the roll of 1880? A No sir.
- Q Do you know Jacob Bean, the applicant? A Yes sir.
- Q What relation is he to you? A He is my brother.
- Q Was he a slave? A Yes sir.
- Q To whom did he belong? A To Washington Adair.
- Q The same as you? A Yes sir.

3- J. B.

Q And you belonged to the same man? A When his eldest son was married, I was given to him.

Q Did Jacob Bean go out of the Cherokee Nation during the war between the North and South? A Yes sir.

Q Where did he go? A To Kansas.

Q When did he return from Kansas to the Cherokee Nation? A In the winter of '66.

Q How do you know? A I come with him.

Q In the winter of '66? A Yes sir.

Q Has he been living here continuously since that time? A Yes sir.

L. B. Bell: What is the reason you didn't testify for him, if you are his brother, when he went before the Kerns Roll? A They didn't call on me for a witness, and I didn't witness.

Commissioner: You are certain he was here in '66 with you? A Yes sir.

Arthur Bean, being sworn and examined by Commissioner T.B. Needles, testified as follows:

Q What is your name? A Arthur Bean.

Q What is your age, Mr. Bean? A 58.

Q What is your postoffice? A Vinita.

Q Are you a Cherokee Freedman? A Yes sir.

Q Is your name on the roll of 1880? A No sir.

Q Do you know the applicant, Jacob Bean? A Yes sir.

Q What relation is he to you? A A brother.

Q Was Jacob Bean a slave? A Yes sir.

Q What was the name of his master? A Washington Adair.

Q Did Jacob Bean go out of the Cherokee Nation during the war between the North and South? A Yes sir.

Q Where to? A He went to Kansas.

Q Did you go with him? A No sir, I didn't go with him.

Q Do you know when he returned to the Cherokee Nation from Kansas?

A In about 1866.

Q About 1866? A Yes, '66.

Q Do you know he returned in the year '66? A Yes sir.

Q What part of the year? A Along in the winter part.

Q How do you know he returned then? A I seen him and was with him.

Q You and he got together in Kansas, did you? A Yes sir.

Q You say you didn't leave at the same time? A No sir, didn't leave at the same time.

Q Got together in Kansas? A Yes sir.

Q And returned together? A Yes sir.

Q And both arrived in the winter of '66? A Yes sir.

Q Has Jacob been living here ever since? A Yes sir.

L. B. Bell: What time did you go out of the country when you went to Kansas during the war? A I don't know what time it was when I went out; they all went out ahead of me, and I went down to Fort Gibson; I was waiting on an officer.

Q What point did you start from when you left Kansas to return to the Cherokee Nation after the war? A I come from Barnett.

Q That is a town? A Yes sir.

Q Who was with you? A There was quite a bunch of us when we come in. We come down here first in the fall and went back and got these others in the winter like.

Q You say you come down and went back? A Yes sir.

Q Was Tebe Bean with you? A Yes sir.

Q That was the time you brought your father and mother, was it?

A Yes sir.

Q When did you say that was? A That was in '66, in the winter like.

Q In the winter of '66? A Yes sir.

4- J. B.

Commissioner: Were you a grown man when the war went on? A I wasn't quite grown; I was big enough to join the army.
Q What made all you colored people leave the Cherokee Nation? A We had to leave; the federals come in here and carried us out.
Applicant, Jacob Bean, recalled and examined by L. E. Bell:
Q Was George Bean along in the crowd with you when you returned? A I don't recollect whether George was in the crowd or not at that time. No, he wasn't in the crowd.
Q Didn't you apply to the Supreme Court on a notice to go down there and prove up your right? A No sir, I never did go down there. I was just a boy.
Q You are on there as having applied? A I never went I know that. My father and a lot of them went down.
Commissioner: Mr. Bean, have you always voted in the Cherokee Nation? A Yes sir.
Q Drew Cherokee money? A Yes sir.
Q Do you own any land? A Yes sir, I own some land.
Q Have you got a farm? A I got part of a farm; I never broke it out.
Q Who did you say was the mother of Bertha? A Judie Henry before I married her.
Q Do you think her name is on the roll of 1880? A No sir, I don't think so.
Q Who was the mother of George? A Sallie Bean.
Q Is her name on the roll of 1880? A Yes sir.
Q Did Sarah Bean live in Tahlequah District? A No sir, she lived in Saline.
Q Is Sarah Bean living? A No sir. She may be there as Sallie Martin.

The 1880 authenticated roll examined and the name of the applicant's deceased wife is found on page 284, No. 1648, Sallie Martin, Delaware District.

Q Is that George's mother? A Yes sir.
Q Did you draw money for George? A No sir, they couldn't find his name.
Q Never have drawn for him? A No sir.
Q His name is not on any of the rolls? A No sir.
Q Has this boy never been on any roll? A I couldn't find him.
Q Did you draw Wallace money for him? A No sir, he was too young.
Q Now you say that your first wife was Judie Henry? A I have been married three times. My first wife was Mahala Lynch.
Q Then you married Judie Henry? A Yes sir.
Q And by Judie Henry you had Bertha? A Yes sir.
Q You say her name is not on the roll of 1880? A No sir.
Q Were you married to Judie Henry? A Yes sir.
Q Have you any proof to that effect? A Yes, Charley Mayfield.

Charlie Mayfield, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What is your name? A Charlie Mayfield.
Q How old are you? A About 48.
Q What is your postoffice? A Chaffee, Saline District.
Q Do you know Jacob Bean, the applicant? A Yes sir.
Q Did you know his wife, Judie? A Yes sir.
Q Do you know whether they were married or not? A Yes sir.
Q How do you know it? A I saw them married.
Q When was that? A I don't know just how long ago it's been; it has been quite a while.
Q Did they have any children? A One to my knowledge.
Q What is its name? A Bertha.
Q Is Judie Henry living? A No sir, she is dead.
Q Did Jacob Bean and her live together until the time of her death? A Yes sir.
Q Recognized by the community as man and wife? A Yes sir.
L. E. Bell: Is Bertha living? A Yes sir.
Q Who was Judie Henry? A She was Steve Lynch's daughter.

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Q Who was her mother? A Peggie Lynch.

Commissioner of Applicant: Q Are Bertha and George living? A Yes sir.

Q You don't claim that Judie, your wife, was a citizen, do you?

A She was a Cherokee Freedman; I don't know what you might call her.

Q Have you any proof as to her citizenship at all? A No sir, I haven't any at all.

Jacob Bean applies for the enrollment of himself and two children. Upon examination of the rolls, the name of Jacob Bean cannot be found upon the authenticated roll of 1880, nor the census roll of 1896; he is identified upon the Kerns Clifton Roll and upon the Wallace Roll. His oldest child, Bertha, is identified upon the Kerns Clifton Roll. His child, George, cannot be found upon any roll, but he makes satisfactory proof of birth of said George. Applicant avers that he has been married three times; that his second wife was named Judie Henry, and that Judie Henry was the mother of Bertha. He avers that upon the death of Judie he married one Sallie Martin, by whom he has one child, George, and the name of Sallie Martin is found upon the authenticated roll of 1880, and the said George is fully identified as the child of Sallie Martin, now deceased. Consequently, George Bean will be duly listed for enrollment as a Cherokee Freedman. By reason of the fact that the name of Jacob Bean does not appear upon the authenticated roll of 1880, and of the protest of the Cherokee Nation, said Jacob Bean will be listed for enrollment as a Cherokee Freedman, upon what is known as a doubtful card. Applicant makes satisfactory proof of his marriage to Judie Henry, and the result of said marriage, the child, Bertha, for whom he applies, was born, and said Bertha has been duly identified upon the Kerns Clifton Roll; consequently, the said Bertha Bean, child of Jacob Bean, will be listed for enrollment as a Cherokee Freedman upon a doubtful card awaiting further consideration by the Commission. No proof is made or offered as to the citizenship of Judie Henry, ~~and~~ the mother of Bertha, but satisfactory proof is made as to the marriage; consequently the citizenship of the child, Bertha, will depend upon the decision of the Commission as to her father, Jacob.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of May, 1901.

[Signature]
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 24, 1901.

In the matter of the application of Bertha Bean for enrollment as a Cherokee Freedman.

Bertha Bean, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A Bertha Bean.
Q How old are you? A I don't exactly know my age.
Q As near as you can come; you applied for enrollment a day or two ago? A Yes, sir, my father enrolled me.
Q He gave your age as 15? A Yes, sir, that is about it.
Q You are the daughter of Jacob Bean? A Yes, sir.
Q You want to apply now for the enrollment of a child do you?
A Yes, sir.
Q What is the name of your child? A Willie Vann.
Q That is your child? A Yes, sir.
Q Your name Bean at this time? A Yes, sir.
Q You have never been married? A No, sir.
Q How old is the child? A He is 7 months old.
Q Is any of your family here, your father or anybody? A No, sir, my brother is here, Joe Bean.

Joseph Bean, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A Joseph Bean.
Q How old are you? A About 31.
Q What is your post office? A Spavinaw.
Q Are you a brother of this witness here? A Yes, sir.
Q What is the name of your father? A Jacob Bean.
Q This is your sister's child, this infant here? A Yes, sir.
Q She has never been married? A No, sir.
Q Do you think this is her child? A Yes, sir.

Bertha Bean, recalled, testified:

- Q Are you living with your father? A Yes, sir.
Q Your post office is the same as his is? A Yes, sir.

Commissioner: It is shown that the applicant has been enrolled on Cherokee Doubtful card D-393. She now appears for the purpose of making application for an infant child. It is shown that this child, by name Willie Vann, is her child, and it will be placed upon the card with its mother, and she will be required in addition to the testimony now given, to supply the Commission with a certificate of birth of the child, as her own natural child. The applicant states that she has never been married, and this is further established by the testimony of her brother.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 24th day of May, 1901.

[Signature]

Commissioner.

F. D. 381.

File with F. D. 381. Jacob Bean.
File with C.F.D.-381. Rachel Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 12, 1901.

In the matter of the application of Thomas Mayfield, for the enrollment of himself and others as Cherokee Freedman.

Supplemental testimony, Cherokee Freedman D 200.

Appearances:

Mellette & Smith, and I. P. Bledsoe, for applicants;
W. W. Hastings, for Cherokee Nation.

The attorneys for the Cherokee Nation make proof of the proper service of notice of the introduction of testimony in the above case on this date.

Walter A. West, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Walter A. West.

Q What is your age? A 60 years.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q By bleed? A Yes sir.

Q How long have you lived in the Cherokee Nation? A 60 years.

Q Were you out of the Nation during the war? A Yes, sir, I was out during the war three or four years.

Q When did you come back to the Cherokee Nation after the war?

A I came back in the spring of '66.

Q Where did you live in the spring of '66? A I lived up on Neosho River after I went up above.

Q How long did you live there? A I lived on Neosho, this side of Neosho River, about two or three months, and then I moved down below.

Q Do you know Thomas Mayfield, the applicant here present? A Yes, sir.

Q Did you know him before the war? A No sir.

Q How long have you known him? A I got acquainted with him, I saw him in '69 the first time I saw him.

Q Well, where was he? A Well he was on the military road right below where I was living.

Q From what points does that road run? A Runs from Fort Gibson, at that time.

Q Whereabouts does it run north? A Fort Scott, Kansas, and Kansas City and Baxter Springs.

Q Well, state the circumstances of seeing him on the military road?

A I lived there on the military road and he came past my house and camped there nearby, that is when I got acquainted with him, when I saw him.

Q Did he have his family? A He had a family with him I supposed to be his family.

Q Any others along with him? A Yes, sir, Jack Davis, Sandy Bean, and Jack Bean.

Q Had you ever seen him before? A Who you mean, Mayfield?

Q Mayfield? A No, sir.

Q Where had you been living the two years immediately before that? 1867 and '68? A Right on the military road there.

Q How far did Mr. Mayfield live from you after you saw him in '69? A About five miles.

Q Did he stay there? A Yes, sir, rented a place across the river and lived on the place he rented.

Q Did you know where he was from when you first saw him? A I just supposed he was from up there in Kansas.

Q Tell all the circumstances, what you know about seeing him?

Thomas MayfieldS 2

A He came down the road from Kansas, that direction, and he camped there, there is where I got acquainted with him.

Q Was he married? A Yes, sir.

Q Have his folks with him? A Has his family, this woman that lived as Mayfield's wife.

Q That is the first time you saw him in the Cherokee Nation?

A Yes, sir, the first time I saw him.

Q Is there anything that makes you positive about fixing the date in 1869? A No more than this: I had been trading with some government wagons, that is the man that was driving the wagons, selling some hay, the day he come there, and I got my pay for that in two or three days afterwards, on the 20th I believe, February, 1866.

Q You mean 1866? A 1869.

Q Did you preserve any letter or document which shows the date when you receive the pay for the hay? A Yes, sir, I have a paper that shows the date exactly, but I didn't preserve it at that time, I filed it away with all the papers I have, and I didn't think of it in this other case heretofore.

Q And you have that with you? A Yes, sir.

Q And what date does it show? A It shows I received my money on the 20th, that is my check.

Q On what month? A February, 1869.

Q You were pretty well acquainted in the neighborhood in '69?

A Yes, sir.

Q Had you been for the two years previous? A Yes, sir.

Q Did you know any of the colored people who were in the crowd with Thomas Mayfield? A I did Jack Bean, I knew him.

Q Had you known him before the war? A Yes, sir, I knew him before the war.

Q Did you have any talk with him at that time? A Yes, sir, his wife was a servant of my wife's father, and they learned that we were there on the road and they came there and visited us, is how come me to know what I do know of these circumstances.

Mr. Smith: Mr. West, you hadn't been acquainted with Thomas Mayfield before the war? A No, sir.

Q The time that you speak of is the first time you ever saw him?

A Yes, sir, the first time I saw him.

Q You don't know how long he had been in the Cherokee Nation when you saw him? A No, sir.

Q You don't know whether he had his family with him at that time or not? A No, sir, he had a family but I don't know whether they were his or not.

Q When did you say you came back to the Cherokee Nation after the war? A I left Red River February 1st, 1866.

Q Where did you go to? A I went on up to Fort Scott, right direct through the country, to where my mother lived on this side of Fort Scott, Drywood.

Q How long did you stay there? A Will about the first or middle of May.

Q In what year? A 1866.

Q Then where did you go? A I came down to Neesho, in the Cherokee Nation, and there set up my tent and went to trading and trafficking with the travelers along that road.

Q How long did you continue in that business? A I continued off and on the season through.

Q How long was the season? A From the time I went there till fall.

Q From May until the fall? A Yes, sir.

Q Then where did you go from there? A I went lower down on the military road where I was stationed, where I first saw Thomas Mayfield, and I built a house.

Q You built your house then in the fall of 1866? A Part of it, not all of it.

Q When did you build the rest of it? A In 1867.

Thomas Mayfield 8 3

Q How long after the time you saw Thomas Mayfield was it before you were called upon to remember anything about having seen Thomas Mayfield on that occasion; how many years? A It was during this Kern-Clifton examination.

Q Now you saw him, Thomas Mayfield, you say, in 1869? A Yes, sir,

Q When was the Kern-Clifton Commission? A I am not positive, '65 or '66; not '65, '96 when it was I believe.

Q In 1896, was it? A It seems to me, I am not positive.

Q Then that was about 28 years wasn't it, from the time you had seen Thomas Mayfield? A Yes, from the time I first saw him, but I saw him off and on all the time after I got acquainted with him.

Q You have stated you had no occasion to remember the fact that you saw him upon this particular date in '69 until the meeting of the Kern-Clifton Court? A Yes, that drew my attention to it.

Q That was about 28 years afterwards? A Somewhere along there I guess.

Mr. West, did you remember for 28 years without ever having had any occasion to have your attention called to it, that you saw him upon a certain day that you got a letter or pay for the hay, or what ever it was? A Now as far as that is concerned, it is like this, we all remember when the people was coming in, and it was common talking when they come in.

Just

Q Just answer that question? A That is the one particular time.

Q So 28 years afterwards you were able to remember that you had seen Thomas Mayfield about the time you got a letter or receipt, for some hay or something that you had sold, is that right? A Yes, sir, somewhere along there.

Q Well now Mr. West, what connection was there between Thomas Mayfield and the hay, that you can go back 28 years and remember and fix that date that you saw Thomas Mayfield by the latter which you are now talking about? A I had the transaction as I told you with these government teams, selling them hay, and the very day that he came there, the same day, that is the reason why I knew it was the same time.

Q Did you have but one transaction with the Government men?

A I had them often, but not as much as that was.

Q How many times have you had transactions with the Government teams about hay? A Two or three different times.

Q Or three or four or half a dozen? A No, not that many.

Q No more than three or four? A Not over three or four.

Q How can you go back 28 years and tell which one of these transactions it was you had had, and connect that particular transaction or any other with Thomas Mayfield 28 years after? A Simply I got a paper to that effect on that date.

Q Did that paper say anything about Thomas Mayfield? A No, sir, that transaction never, but because of my knowledge.

Q You say it didn't say anything about Thomas Mayfield? A No, sir.

Q You can go back 28 years and connect Thomas Mayfield with that particular transaction, how do you do that? A Simply I had that transaction at that time.

Q Were not there other transactions? A Yes, sir, but not so great as that was.

Q It couldn't have been some other transaction you had with the Government when you saw Thomas Mayfield? A It might have been some other, but it wasn't, that is all there is about that part of it.

Q Are you able to remember it was this particular transaction?

A Yes, sir.

Q Have you got that letter? A Yes, sir, it is just a receipt (hands Mr. Smith paper.)

Q (Returning paper) Mr. West, all that you claim about the paper about which you have spoken is that it carries the date by which you fix the time? A Yes, sir, it carries it, nearabout it.

Q Did you have that paper; were you a witness before the Kern-Clifton Commission? A Yes, sir, I was.

Q Did you have that paper then? A Yes, sir.

Thomas Myfield N 4.

Q When did you hunt that paper up? A I hunted it up during that court time.

Q Were you subpoenaed as a witness during that Court? A Yes, sir.

Q When did you hunt the paper up, before or after you were subpoenaed? A I hunted it up after I was subpoenaed, I didn't have occasion to hunt it up before.

Q You testified, I believe you stated, before the Kern-Clifton Commission? A Yes, sir.

Q Mr. West, you don't know where this man was in '66 do you?

A Not till that date, not before that date.

Q I say you don't know then where he was in '66 or at any time prior to '66? A Only that day of '66 when he passed my house.

Q He passed your house in '66 did he? A In '69 I meant, that is the first time; in '66 I don't know where he was, or any time before '69.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones,

Sworn to and subscribed before me this the 22nd of June, 1901.

(Signed) T. B. Needles, Com'r.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Ray Palmer

Subscribed and sworn to before me this 30th day of July, 1902.

Bruce C. Jones
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., OCTOBER 4th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
Neatie Martin as a Cherokee Freedman, introduced on behalf of
Cherokee Nation:

Appearances:

Mr. Mellette, of Counsel for applicant;

Mr. J. S. Davenport, of Counsel for Cherokee Nation:

F. D. MYRICK, being duly sworn by Commissioner Needles, tes-
tified as follows on part of Cherokee Nation:

MR. DAVENPORT: State your name? A F. D. Myrick.

Q Where do you live, Mr. Myrick? A I live near Mapleton, in
Linn County, Kansas.

Q What is your age? A 65.

Q How long have you lived near Mapleton, Kansas? A Since December,
'56.

Q Are you acquainted with Neatie Martin and her husband? A Can't
you locate them so I will see who I am talking.

Q Well, did you ever know anywheres near Mapleton, in Kansas any
colored people by the name of William Martin and Neatie Martin,
husband and wife? A Yes sir.

Q Where was that? A I become acquainted with some people of that
name in '62, and more acquainted in '63.

Q Well, did you ever have any business transactions with either
of them that makes you remember the family? A Oh, there was a
family there with me for quite a spell, probably a could of years
right on the place there during the war.

Q Well, do you know what became of them after the war? A Why, they
remained quite a spell there in the country, I could not say how
long.

Q Near what place, Mr. Myrick? A Near Mapleton.

Q Do you know what became of William Martin? A To say I do, I
don't; I left there in 1874 and while I was away two or three years
I was away, Bill died, I don't know.

Q From the time you became acquainted with William Martin and Neatie
Martin you spoke of in the early '60s up to the time you went away
where did they live? A Right in the country there.

Q Were they living there when you went away in 1874? A Yes, sir.

Q When did you get back to that section of country? A In '77.

Q Was any of the family living there then? A I could not say that
there was.

Q Have you seen Neatie Martin since you came back from where you
went in 1874? A No, sir, not that I can recollect of.

Q Was there any other members of Neatie's family that you remember
of; did you ever get acquainted with any of them? A None of
Bill and Neatie's family.

Q Did Bill have any relatives there? A Yes, sir.

Q What were their names? A Father and mother was there; Harry
Martin and Celia Martin.

Q Have any brothers or sisters, or do you know? A Yes, sir.

Q What were their names? A Tobe Martin and Lou Martin.

MR. MELLETTE: Well, do you know that the Neatie Martin who is
an applicant for citizenship, for enrollment here I should say?
A Don't know anything about the applications only this person I
have located.

Q You don't know whether the person who applies here is the Neatie
Martin you have been talking about? A No, sir.

Q Did you know the husband better or wife better, those people
you have been talking about? A I knowed them both at that time
one as well as the other one.

Q Well, did they live together as man and wife? A Yes, sir.

Q How long? A Well, all the time I knew them.

Q Do you know whether they separated? A No, sir, I don't know whether they ever separated or not.

Q How far did they live from you? A Lived on my farm part of the time.

Q How long did they live on your farm? A Oh, Couple of years.

Q About what time, Mr. Myrick, did they leave your farm?

A I think about 1863 or '4, it might have been '65, just moved over to another lot, I think he went to work for a man by the name of Roach, he was a blacksmith.

Q Did you have any reason for paying particular attention to these people after they left your farm? A No, sir.

Q Now Mr. Myrick, is it or isn't it a fact that Bill Martin remained in that country and died there and that Neatie Martin came to this country before Bill Martin died? A I don't know whether she did or not, she might have.

MR. DAVENPORT: As I understand you, Mr. Myrick, you went away somewhere and she and Bill was living up there and when you came back it was reported to you that Bill was dead? A Yes, sir.

MR. MCELLENTE: You are positive that Neatie Martin, the one you are talking about, was living up there in '74? A Yes, sir, I am pretty certain she was.

Q What do you mean by that? A Well, just because it has been a long time ago and I would not be positive about nothing that long unless there was some event or transaction that we had it on note.

D. J. HESSONG, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

MR. DAVENPORT: What is your name? A D. J. Hessong.

Q Where do you live, Mr. Hessong? A Mapleton, Kansas.

Q How old are you? A 51.

Q How long have you been living at or near Mapleton, Kansas?

A 44 years.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you acquainted with a colored man by the name of William Martin and his wife? A Yes, sir.

Q Do you remember what his wife's name was? A I believe it was Neatie.

Q Did you ever know any other members of Martin's family or his wife's family? A I knew some boys.

Q What were their names? A There was one boy there that died a while back by the name of Tobe, that is all the one I remember his name now.

Q When did you get acquainted with this Martin family?

A Along in war times when they come up there with the balance of the colored people.

Q Did they work around Mapleton, Kansas, there? A They fellows blacksmithing, Will did.

Q Did any other of the family work? A Louis Martin did.

Q How long did Will Martin and his family live there near Mapleton, Kansas? A The last I remember of them was about '75 or '6.

Q What became of Will Martin? A He died there.

Q Do you know what became of his family after that? A No, sir, I don't.

Q You haven't seen the applicant in this case since you have been down here have you? A I have not.

Q Do you remember any of their names; that is, her family before she was married to Will Martin? A No, sir, I don't know who she was before she was married.

Q Well, from the time you first get acquainted with them up until 1875 or '6 when Will died, had they resided continuously there, or where had they been if you knew? A Why I never knew of them be-

ing away; of course I never paid any attention to that part of it; every once in a while I would see them around.

Q How far did you live from them? A I would be a mile and sometimes I would be four or five miles from them, and sometimes be close neighbors to them.

Q Tobe died up here a few years ago? A Yes, sir.

Q Is any of the family living up there at this time?

A Not of Will's family.

Q Well, of Lewis's family? A No, sir, not as I know of.

MR. MCELLETTE: How far did you live from those people you have been talking about? A When I first got acquainted with them I lived about two miles and a half.

Q How old a man are you now? A I am 51.

Q Well, when did you first get acquainted with them? A In time of the war; they come down here and let the colored people come up there with them, the soldiers up there.

Q Who came down here? A My father and party went, everybody there, my father was in the army.

Q The colored people came back with them? A Yes, sir.

Q Was Neatie Martin living with Bill Martin when he died?

A I think so.

Q I would like to know whether you are as positive of that as you are of other things? A Yes, sir, she was there, I only lived about a mile and a half from them then.

Q You saw them there at that time? A Yes, sir.

Q How old a woman is Neatie Martin? A She must be pretty near my age I should think.

Q Is she older or younger than you or about your age? A

A I could not tell you I expect she would be as old if not older; the first time I ever knew them she and Bill were living together and I wasn't nothing but a boy.

Q Now, you don't know what this Neatie Martin who applies for citizenship is not the Neatie Martin you knew up there? A I don't know.

Q Would you know her if you were to see her? A I don't know; I haven't seen her from '75 or '6.

Q Who did she go up to Kansas with? A She come up there with the Sixth Kansas, that is she come up there about that time, I suppose they all come together.

Q Did she have any brothers? A I could not say as to that.

Q Did you see anybody up there that claimed to be her brother?

A I don't know that I ever heard of that.

Q Well, where did she live now with reference to Mapleton, Kansas?

A Lived south when they first stayed in there on the river about a mile south of town.

Q When did Bill Martin die? A Well, now, I don't know just exactly what year it was; it was between '74 and '77, somewhere along there.

Q Are you certain of that? A Yes, sir.

Q How do you fix the time? A I got married about that time.

Q Did his dying have anything to do with you getting married?

A No, but I know where he was at the time.

Q Now, what became of Neatie Martin after Bill Martin died?

A I can't tell.

Q Why can't you tell as much about her after he died? A Because she left there after he died.

Q How far was Bill living from you when he died? A About a mile.

Q You were not in the habit of going about them very much? A No, sir, he run a shop there and I would get work and such as that.

Q You say Neatie was living with him at the time he died? A Yes, sir.

Q You could not be mistaken about that? A I don't think I could.

Q Do you remember seeing her there? A Yes, sir.

Q You can give then the age of that woman? A No, sir, only she was a young like woman when I first seen her.

Q You were very young at that time? A Yes, I was 12 or 13 years old, something like that.

Q She was about your age? A I think she was a little older I should think so.

MR. DAVENPORT: You knew they came in there from somewhere down in this country? A Yes, sir.

Q Your father was in the army and they came down here? A Yes, sir, we called them refugees at that time.

Q After Bill died you don't know what became of her, she just simply moved away? A Yes, sir.

Q Bill Martin was a blacksmith? A Yes, sir.

IKE SHIELDS, Called as a witness, being sworn, testified:

Mr. Mellette: I object to this witness testifying.

Commissioner: Why?

Mr. Mellette: Because he has been convicted of larceny and served a term in the penitentiary.

Mr. Davenport: I submit if he was pardoned it don't make any difference with he was charged with.

Com'r Needles of Applicant: Were you pardoned? A Yes, sir, I was turned loose in about six or eight months.

MR. MELLETTE: Where is the pardon you got from the Governor? A I could not tell you; I have traveled around so much I have lost that and my discharge papers and all a time or two.

MR. DAVENPORT: Where do you live? A I live at Nowata.

COMMISSIONER: Where do you live? A I live at Nowata.

Q In the Indian Territory? A Yes, sir.

Q How long have you lived there? A About eight years.

Q Do you vote in the Indian Territory? A I voted at the City Courts.

Q Are you a Cherokee citizen? A No, sir.

Q Known as a State man? A Yes, sir.

Q Did you ever vote in Kansas after you were pardoned?

A Yes, sir.

COM'R NEEDLES: Go on with the examination.

MR. DAVENPORT: What place in Kansas do you live Ike?

A I lived at Fort Scott.

Q How long did you live about Mapleton? A I lived at Mapleton ever since before I went in the army and after I came out of the army I stayed there off and on till '83.

Q During the time you lived at Mapleton, Kansas, from 1865 until 1883 did you get acquainted with a man by the name of Will Martin and his family? A I was acquainted with Will Martin some?

Q Did you know his wife? A I have seen her a time or two, yes, sir.

Q Do you know what her name was? A I think her name was Nestie.

Q Did you know any of her family, father or mother, or brothers or sisters? A Well, I wasn't personally acquainted with them.

Q Did you know any of Will Martin's family?

A That is the one I am talking about.

Q Well, how long did they live about Mapleton, Kansas?

A I could not tell you at all.

Q Were they living there when you came out of the army in 1865?

A Yes, sir.

Q When did you last know of them living in and near Mapleton, Kansas? A After I came out of the army in '65 I lived there; I come out in August and I left there in October following, and I was gone from there until sometime in '70 I guess.

Q Well, since you got back there in '70 did you see this Will Martin and his family? A Well, I don't recollect whether I do or not.

I recollect of seeing Mrs. Martin, came up there on a visit.

Q When was that? A That was short time after I came home.

Q Well, do you know where Will Martin was living, where was he at the time of his death, or do you know? A I wasn't there when he died.

Q Have you seen this applicant since yo? came down in this country?

A No, sir, I haven't; I wouldn't know her if I would see her.

MR. MCELLETTE: You say that Neatie Martin came up there on a visit about the time you come back in '70? A Yes, I think she was up there, I didn't see her nor I didn't know where she lived only some of them said Mrs. Martin was come up there on a visit.

Q She came from this country up there? A That is what she claimed.

Q Isn't it a fact that she and her husband lived apart and that she was brought down here after the war and her husband stayed back there in Kansas and died there? A Well, I didn't see her, I saw her husband I think, blacksmithing but I didn't see her; I never saw her but once or twice in my life.

Q Were you well acquainted with her husband? A Yes, I was well acquainted with him.

J. W. BAINUM, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

MR. DAVENPORT: What is your name? A J.W. Bainum

Q Where do you live? Mr. Bainum? A Mapleton, Kansas.

Q How long have you lived at Mapleton, Kansas? A I have lived there continuously since November, 1864.

Q Since you have been living there did you get acquainted with a colored man by the name of William Martin and his wife? A I knew William Martin; I knew a William Martin in Mapleton, when I seen him. I can't say that I was particularly acquainted with them.

Q What business did he follow? A He run a blacksmith shop.

Q Did you know his wife? A I knew her when I saw her.

Q Did you ever learn her name? A I have heard her called Neatie Martin.

Q Did you know any members of Martin's family, that is his brothers sisters, father or mother? A Yes.

Q What were their names? A Well I think there was a Tobe Martin, and Lewis Martin, that I think were brothers; I remember his father but don't remember his name and I think his mother's name was Celia Martin.

Q How long did Will Martin and his family reside there at Mapleton, Kansas? A I can't tell.

Q Do you know where he was at the time of his death, or where he was living? A No, sir, I don't remember anything about his death.

Q About how long did you know him there at Mapleton, Kansas?

A Oh, several years.

Q You first saw them there in what year? A I can't tell exactly when; there was a whole family on the Martins; I suppose he was a boy when I first knew him; I don't know whether I knew any of them particularly, I knew the whole family and then later I knew him as a blacksmith there.

Q Do you remember how late you saw him there? A No, I can't give the date.

Q You think it was several years? A It must have been several years.

MR. MCELLETTE: Well, you paid more attention to Bill than you did to the wife? A I don't know what became of either one of them.

Q Well, did you know the wife lived there with her husband all the time or not? A No.

Q You can't tell about that? A I remember that they lived there at Mapleton; I knew them when I saw them and that is about all.

Q Do you know Tobe Bean, a brother? A No, sir.

Q Arthur was it? A No, not that I know of.

Q This Tobe Martin you say that he is a brother? A No, sir, I think he was in the family.

Mr. Davenport: Do you know where Tobe died? A No, sir, I don't.

Taking of testimony continued by Stenographer Chas. von Weise.

-----OOOOOO-----

J. O. Rosson, being first duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson,

Subscribed and sworn to before me this October 14th, 1901.

T. E. Needles,

Commissioner.

(Continued from Stenographer J. O. Reason)

Vinita, I. T. October, 4th 1901.

JOHN CROSS being first duly sworn by Commissioner T. B. Needles testified as follows: (on the part of the Cherokee Nation)

(By Davenport)

- Q What is your name? A John Cross.
Q Where do you live? A Mapleton, Kansas.
Q How old are you? A 63.
Q How long have you lived in or around Mapleton, Kansas? A Since '62.
Q Were you acquainted with a colored family up there by the name of William Martin? A I was.
Q Do you know his wife's name? A Yes sir it was Neatie.
Q What business was William Martin engaged in? A Blacksmithing.
Q Was any of his brothers or sisters there? A His brother was ~~there~~ there a while, Lewis Martin, working with him.
Q Did you know any of his wife's family on her side? A No sir.
Q About how long did they live there at Mapleton? A They didn't live right in town.
Q At or near Mapleton? A Then come there some time in '62 or '3, and I dont know--Martin--William Martin was running a blacksmith shop there in '66 in Mapleton and I left there in the spring on '67 and went to Colorado and when I come back he wasn't there, he had left.
Q When did you come back? A In the fall.
Q Did you mean that you went to Colorado in the spring of '67? A '77 I mean.
Q They had lived there then from the war until '77? A Yes sir I had seen them that long.
Q Had you seen him there in and around Mapleton Kansas from the time you saw him right after the war until you left? A--

(BY Mr. Mellette)

"I submit that it is leading."

(By Hastings of witness)

- Q When did you see him? A I can't tell, the last time I saw him was in the spring of '77 but as to when he left I cant say for I was not there when he left.
Q You first saw him in what year? A '62 or '3.
Q He was running a blacksmith shop there? A Yes, sir, on the river there.
Q From the time you saw him in the '60's up to '77 did you see him often? A Yes sir, I would see him every once in a while.
Q Did he continue to run his blacksmith shop there? A When he left there I dont know if he was running a shop at the river or not.
(By Mellette)
Q You say you knew Bill Martin's wife? A Yes sir.
Q How often did you see her? A I dont know, I saw her frequently.
Q What became of Bill Martin? A I think he died up there about '77.
Q Well did his wife live with him all the time until he died? A I think she did.
Q Is it not a fact that she came here to the Cherokee Nation with her brother? A I dont know.
Q You dont know about that? A No sir.
Q And left her husband up in Kansas? A I dont know, she might have.
(By Davenport)
Q Did they keep house there at Mapleton? A They did where they lived there on the river.
(By Mellette)
Q Who kept house? A I dont know who did the housekeeping.
Q You mean that Bill Martin lived there? A yes sir he lived there.

Q You don't know who kept house? A No sir.

This testimony will be made a part of the record in Cherokee Freedman cases D. #388, D. 389, D. #390, D. 412. and D. #213.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 8th of October, 1901.

T. B. Needles,

Commissioner.

R.
C. F. D.-213.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., April 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application of KEATIN MARTIN for enrollment as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant.
W. W. Hastings, attorney for Cherokee Nation.

E. J. CLAYTON, being first duly sworn, and being examined,
testified as follows:

MR. HASTINGS: What is your name? A E. J. Clayton.

Q What is your age? A I was 58 years old the 22d day of February
last.

Q What is your post office? A Walkertown, Bourbon County, Kansas,
at this time.

Q When did you come to the State of Kansas?

A I got here on the 7th day of September, 1867.

Q Did you know a colored man by the name of William Martin? A Yes
sir.

Q Did you know his wife? A Yes sir.

Q What was her name? A We called her Oneada.

Q When did you become acquainted with the husband and wife?

A I suppose about the 12th, I think. I put a wagon tongue in in
the shop on the 12th of September, as near as I can remember.

Q What was Bill Martin doing? A Blacksmith.

Q What is your occupation? A Farming. I did some work at the wagon
business for that winter. That was my occupation for that winter,
and no longer.

Q You did work at the wagon trade for that winter? A Yes sir.

Q The winter following September, 1867? A Yes, sir. The winter
and spring of 1867 and 1868.

Q It was the winter after you got the Kansas? A Yes sir.

Q How long did you continue to know this family, Martin and his
wife? - A I knew them until 1878, I think, I forget just now. He

- died there about that time, right south of me right on Roach's place.

Q Have any family? A Yes sir, had several children.

Q Know any of them? A Yes sir, but I have forgotten their names.

Q Did Bill Martin have a brother that you know of?

A Yes sir, he had Lou Martin, who was a blacksmith and worked
there with us at that time.

Q How long did Lou continue to live there? A Until 1876. They
worked together until he went away. I seen him there, but never
knew anything about him afterwards.

Q He lived around there until 1876? A Yes sir.

Q How long after you come there before you got acquainted with
him in the fall of 1867?

A Both worked together in the shop. Worked all together. He had
two more brothers there.

Q What were their names?

A One was Tobe and the other was Peyt. I think he was older than
Bill or Lou either one. Peyt was the next one.

Q How long did you know Tobe? A Until about 1876.

Q He was a brother to Louis and Bill Martin? A Yes sir.

Q And a brother to Peyton Martin? A Yes sir.

Q Did you know Peyton Martin? A Yes sir, knew him well.

Q How long did you continue to know Peyton Martin up there?

A I knew him from 1867. They all kind of hung together, these
brothers did. I knew him from 1867 to, I think it was 1869, that
some fellow tried to arrest him on some kind of a charge, stealing
a horse or a cow, I forget which.

Q Did he run away.

A Yes, but they caught him and brought him back, but did not appear against him, then he went away to the Cherokee Nation, and I heard that he was dead. I never knew anything about him after he left there.

Q That was in 1869? A Yes sir.

Q Did you know him continuously from 1867 to 1869.

A Yes sir, in 1867 and 1868. He worked for me in the harvest in 1868.

Q Did you know Peyt's wife? A Yes sir.

Q Did you know who he married?

A A girl by the name of Hannah Sheals.

Q Do you know a brother of Oneatie Martin's, Jack Bean?

A Yes sir, I know him too.

Q When did you first know him?

A It could not have been later than the middle of September, 1867.

Q How long did you know Jack Bean? A He left there in 1868.

Q Was he living there when you came there in 1867?

A Yes sir, he had made a crop up there that summer.

Q He had a family? A Yes sir, he said he had, I never seen his family to know them.

Q Did you know a colored man by the name of Tobe Bean?

A Yes sir. He was a brother ~~six~~ to this Martin's wife, he said.

Q How long did you continue to know Tobe Bean up there?

A I knew him until 1868. He helped me harvest in 1868, I think. I am pretty sure he did. My brother and me was together there..

Q You and Bill Martin, the husband of Oneatie, worked together in the shop in the fall of 1867. A Yes sir.

Q Louis worked with you? A Yes sir. Both blacksmiths and good workmen, I thought.

Q Is there any peculiar circumstance that makes you remember Jack Bean, any trade that you made with him?

A He never paid me for a pistol that I brought out of the war. I sold him a pistol that I brought home. He said he wanted to kill a nigger with it, and he never paid me for it either.

MR. BELLEFTE: What is your name? A E. J. Clayton.

Q Did you know Tobe Bean, who is an applicant for enrollment here, in the Cherokee Nation?

A I don't know whether he is an applicant for enrollment or not.

Q How was Tobe Bean, was he a lame man? A I think so, for he had a sore foot.

Q You will swear that it was the Tobe Bean you know?

A Yes sir, the brother of Oneatie Martin.

Q When did you know him first?

A He was there around the shop all the winter of 1867, pretty much.

Q The winter of 1866 and 1867, you mean?

A No sir, I was not here, it was 1867.

Q The winter of 1866 and 1867? A It was the fall of 1867 and the spring of 1868.

Q Don't you know that Tobe Bean, that is an applicant here for enrollment is not a lame man? A I don't know whether he is or not.

Q When did Oneatie Martin leave Kansas to come to the Cherokee Nation? A In 1877 or 1878, I don't know which.

Q She didn't come to the Cherokee Nation in 1866?

A I never heard tell of her in 1866, I was not there in 1866. I knew her in 1867.

Q You said 1877? A I said it was in 1877 when she came to the Cherokee Nation, 1877 or 1878.

Q Was she there in 1877? A She was up there in 1877 or '78. I forget which it was.

Q Where was Oneatie Martin in 1867?

A Lived on Beach's place, right south of Mapleton there.

Q Did she come to the Cherokee Nation in the fall of 1866?

A I was not here in 1866.

Q When did you move to Kansas? A Moved in 1867.
 Q Was Headie Martin in Kansas when you come there? A I think she was.
 Q Do you remember her? A Yes sir.
 Q How long ago has it been? A Since 1867.
 A Thirty-three or four years.
 Q When were you first asked to remember back that far as to these people?
 A Never asked to remember back to them people.
 Q When were you first talked to about being a witness in this case?
 A About two or three hours ago.
 Q When were you first asked anything about any of these colored people up there, when you first knew them? When were you first talked to about being a witness in any of these cases?
 A A week or two ago, I guess.
 Q You have not seen any of these people since they left Kansas, have you? A No sir.
 Q You don't know anything about them? A No sir.
 Q That is a long time to remember? A I guess it is.
 Q You keep in your mind clearly all the names of these different colored people, do you?
 A Yes, and a whole slough more of them that live there.
 Q Why do you remember their names so distinctly?
 Q They worked for me. This Headie Martin washed for my wife.
 Q You remember Tobe? A He is a brother to Bill Martin?
 A I think he was the oldest one of them.
 Q What county was that in? A Bourbon County, Kansas.
 Q How far from the Cherokee Line? A About 75 miles.
 Q You are positive, as positive as you are of anything in this case that Tobe Bean was in Kansas in 1867, are you?
 A I know that he was. That is, I know that there was a Tobe Bean there.
 Q Was he a lame man? A He was lame there that winter at some time. I don't know whether it was a permanent lameness, or anything about it.
 Q What time did you see him? A He was around the shop in the winter.
 Q When, of 1867? A Yes sir.
 Q That would throw him into the year 1868 too?
 A Yes sir, I think he left there in 1868 or 1869. That is, in the winter, probably, of 1868.
 Q Tobe Bean left there in 1868-9 A Yes sir, I think he did.
 Q The Tobe Bean that you are talking of? A Yes sir.
 Q He did not then, leave Kansas in the fall of 1866 or the fall of 1867? A I don't know what he done in 1866. I was not there in 1866.
 Q He didn't leave Kansas in the fall of 1867? A Not to my knowledge.
 Q Never went away?
 A I never missed him if he did. He was around the shop there.
 Q The Tobe Bean you are talking about did not leave Kansas until about 1869? A I think it must have been.

MR. HASTINGS: Do you know whether these people came down to the Cherokee Nation afterwards, these people that you are talking about?
 A They said they was coming here.

This testimony will be filed with and made a part of the record in the following Cherokee Freedman cases:
 D-388, D-389, D-390, D-412, D-208, D-289, D-456, D-657, D-658, D-911, D-916, D-304, D-313, and in the case at bar.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson.

The undersigned, being first duly sworn, states that he stenographed to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Ray Palmer

Subscribed and sworn to before me this 2nd day of August, 1902.

Price E Jones
Notary Public *

File with Cherokee Freedman, B-651, Nancy Ross.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 7, 1901.

In the matter of the application of Nancy Ross et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

R. J. MORRIS, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A R. J. MORRIS.

Q What is your age? A I am 56 years old.

Q Where do you live? A I live at Iola, Kansas.

Q How long have you lived in and about Iola, Kansas? A Since '58.

Q Did you know a colored woman by the name of Nancy Ross, and also known as Nancy Grubbs.

Q You know her husband? A Yes.

Q What was her husband's name? A Mose.

Q Did you know any of her children? A Yes.

Q Now name some of them? A Well I knew George, Dick and Arthur and Kizzie I think and also Ned Foreman, that was a son of hers.

Q A son of hers, not a son of Mose? A No.

Q Do you know this man here (indicating Nelson Rose)? A Well it has been quite a while since I have seen him, but he resembles the Grubbs family, I can't say whether he is a Grubbs or not.

Q Well, when did you first learn to know Nancy Grubbs or Nancy Ross? A Well right away after she came up there from the Nation, I think it was about '63 somewhere along there, I wouldn't be positive it was that year, but then right in that neighborhood.

Q Well now how long did you continue to know them? A Well, I know her ever since.

Q Where has she lived since that time? A Iola.

Q Well, have you known these children? A Yes, I am very well acquainted with George and Arthur, and I did know Dick and Harry, I am very well acquainted with Harry, I saw him nearly every day, I have been living or boarding right close to where he lives, I see him most every day.

Q Does he live up there now? A Yes.

Q Does his mother live up there now? A I can't say whether she lives there now, she did the last I knew, that was last winter; you see I have been away from town a right smart of the time this summer at work.

Q How far from Iola did they live when you first knew them just after the war? A Well, I suppose about two miles, mile and a half or two miles.

Q They live on a farm? A Why they lived, I don't know whether you would call it a farm or not, a small tract of land.

Q Well, did they afterwards move in town or move from there? A Yes, afterwards moved from there to town.

Q About how long ago? A Well I can't say positively, probably eighteen or twenty years ago, well I would say fifteen or twenty years ago, I can't say positively just what time it was.

Q Did you ever have them to work for you, do any work? A No.

Q How far did you live from them this first few years after the war, did you live in town? A No, I lived about three miles northwest of town.

Q How far would that throw you from them? A Oh probably about three miles or four.

Q You know the father, Mose Ross, or Mose Grubbs, died? A Well

now I wouldn't be positive whether he died, I think though he died in Iola, I wouldn't be positive as to that.

Q Well, did you ever hear of these people leaving there for any length of time? A No, I never did, I don't know of them ever moving away.

Q Did you see them frequently? A Why very often.

Q Did you ever know one that they called Nelson? A No.

Q Never knew Nelson? A Didn't know him.

Q You know one they called Dick? A Yes.

Q Did Kizzie marry, the daughter? A Yes.

Q Who did she marry? A She married a colored man by the name of Newman, Taylor Newman.

Q Do you know what became of her? A I do not.

Q When did you remember of seeing her last? A Well sir, I can't tell you, I see Taylor very often.

Q That her husband? A That is her husband, but I haven't seen him for sometime.

Q You know where Taylor is? A He is in Iola.

Q Living there? A Yes, sir, living there.

Q That is Taylor Newman? A Taylor Newman.

Mr. Mellette: How old are you, Mr. Morris? A 56.

Q You say that the woman, Nancy Ross, whom you knew and whom you have been telling about, or Nancy Grubbs, lived in Iola last winter?

A Yes, sir.

Q That was the winter of 1900 and 1901? A Yes.

Q Where did she live? A She lived in the southwest part of town.

Q Kept house? A Yes, sir.

Q Have a family there? A Yes, sir, her children was there with her.

Q How many children? A Two I think and then there was one boarding there, George was boarding at home.

Q Well, how old a man is George? A He must be well into thirty years old, maybe older, I don't know just exactly.

Q Then you don't know anything about any of the rest of them except George, do you? And Nancy? A No, I don't; well, Harry, I know Harry lives there in Iola.

Q Do you know that the Nancy Ross who has made application here for enrollment as a Cherokee Freedman is the Nancy Grubbs whom you have been talking about? A No, sir, I don't, I never knew her by the name of Nancy Ross.

Q Now where was Nancy Grubbs, whom you have been talking about, in 1866? A In 1866, well she was in Iola as far as I know.

Q Well I am not talking about as far as you know? A I can't swear positively whether she was there or not, if she ever moved away I don't know about it.

Q You don't know whether she was there in 1866 or not? A I can't swear positively she was there, no, sir.

Q There was she in 1867? A That I can't say, for it has been years back.

Q Where was she in 1868? A Well she lived there in Iola or in the vicinity.

Q Well are you certain of that? A If they ever moved away I never knew it.

Q Well that don't answer my question? A Well I wouldn't swear positive.

Q Then you are not swearing there this woman Nancy Grubbs was in either of the years I have mentioned, '66 or '7 or '8? A I can't swear positively.

Q Where was she in 1870? A Well, I suppose she was in Iola.

Q Well did you know, can you swear that you saw her there? A I can't swear, I don't know.

Q What? A Members of town, from the time I became acquainted up to the present time if they ever moved away I never knew it.

Q I am asking you where she was in 1890? A I can't tell you.

wouldn't swear positively.

Q You will not swear whether she was there in 1870? A I say if she ever moved away I never knew of it, she has always been a resident of Iola as far as I know, and I saw them often.

Q Where do you live? A I live northwest of Iola about three miles, and part of the time I lived in Iola.

Q Were you a particular acquaintance of Nancy Grubbs, you have been talking about? A Why I have been very well acquainted with her for sometime.

Q Did you watch her movements closely? A No, sir, I didn't.

Q I will ask you if it is not a fact that she has lived away from there as much as five years at the time? A No, sir.

Q You are positive of that? A Positive of that.

Q Has she lived away from there as much as one year at the time?

A I can't say if she has, if she ever has I don't know it.

Q But you can't say she hasn't? A I wouldn't swear point blank that she hasn't.

Q You don't know whether or not she came down into the Cherokee Nation on Russell Creek in 1865, do you? A I can't swear positive.

Q Do you know of her living upon Vinegar Creek up close to Coffeyville in the Cherokee Nation? A No, sir.

Q Do you know whether she did or not? A I don't know, I don't know anything about Vinegar Creek.

Q I will ask you if she lived there? A I don't know; I answered the question that way, I don't know.

Q You say you don't know Nelson Grubbs? A No, sir.

Q You don't know whether he has lived in the Cherokee Nation all his life or not? A Don't know him, I don't know any of them by that name.

Q Now you don't know this man, do you (indicating Nelson Grubbs)?

A I can't see him.

Q He is right by the window and you ought to look at him; do you know him? A Well he looks like the Grubbs to me.

Q Well do you know him, do you know who he is? A Is it George?

Q Now you are positive? A Well he is in a little better shape, if he is George, then I have ever seen him.

Q You don't know whether the man sitting here is George Grubbs or not? A It is a pretty hard matter for me to place this fellow here.

Q I am asking you if ~~this~~ this fellow is George Grubbs? A I believe it is.

Q This man sitting here is George Grubbs? A I believe it is, it resembles him.

Q If ~~it~~ I would tell you it was Nelson Grubbs what would you say?

A He must be a brother of George then.

Q You never saw that man in Kansas then? A Don't believe I ever did.

Q This man is Nelson Grubbs, and you will swear you never saw him in Iola Kansas, that you know of? A I don't think that I ever did, I never saw him that I know of, I can't tell him, it is a Grubbs though.

Q The only child of Nancy Grubbs then whom you know is George Grubbs? A George and Harry and Dick.

Q Where is Harry? A He is in Iola.

Q How old is he? A He must be probably 25 or more.

Q When did you see him in Iola? A I seen him there Saturday last.

Q What is he doing there? A He is in a livery barn.

Q For wages? A I suppose so.

Q Is he a single man? A No, sir.

Q Has a family? A Yes, sir, he has a wife, I don't know whether he has any children or not.

Q Well, where is George? A George, I saw him I think it was last Thursday.

Q Where did you see him? A In Iola.

Q What was he doing there? A Working.

Q What was he doing? A He was helping move a house.

Q How far is it from here to Iola, Kansas? A I don't know the exact distance, it is about 95 miles I suppose, something in the neighborhood.

Q Was he living there or just working there temporarily? A Why I don't know whether he lives in Iola or Humboldt, he lived in Humboldt last winter he told me, and I can't say whether he lives in Iola or Humboldt, he was working in Iola.

Mr. Hastings: Is Humboldt in Kansas? A Yes, sir, Allen County, Kansas.

Q Now Mr. Morris, as I understand you, you got acquainted with or learned to know these people about '63? A Yes, sir.

Q You saw them there last winter and some you saw the last few days ago? A Yes.

Q Between those two dates now have they lived there so far as you know? A So far as I know.

Q You never missed them? A Never missed them.

Mr. Mellette: Did you take it upon yourself to watch these people?

A No, sir, oh no.

Q They might have been gone a year at a time without you knowing it? A I don't think they would, they possible might have been, I didn't watch for anybody very close, it is not my business, my business is attending to my own business, but as I say, if they were away from there I never knew it, well I have known of her going to the Nation a time or two but not to move here, I don't know of her moving here, she has made a few trips, her and George both, I don't know that Harry has ever made a trip.

J. E. THORP, appearing before the Commission and being duly sworn and examined, ~~xxxxxxx~~ testified as follows:

Mr. Hastings: What is your name? A J. E. Thorp.

Q What is your age, Mr. Thorp? A 64.

Q Where do you live? A Iola.

Q Kansas? A Kansas, yes, sir.

Q How long have you lived in and about Iola, Kansas? A 44 years and a little upwards.

Q What is your occupation? A I have been a barber for the last 35 years, 32 years.

Q Do you know a colored woman by the name of Nancy Ross, or Nancy Grubbs? A So called, yes, sir.

Q Where did you know her? A Immediately west of Iola, across the river, in the first place, a little way from Iola.

Q About how far did she live from town when you first knew her?

A Two miles, two and a half, sir..

Q Well, about when did you learn to know her? A I think it was about '67, it was a year or more after I got home from service.

Q Where was she living? A West of the river a couple of miles from town.

Q How long did she continue to live at this place? A I can't say as to that, a year or two or three, I kept no count of it.

Q Where did she go from there? A Her family moved from there into town.

Q Well, did you know them after they came to town? A Yes, sir, that was the same as I knew other colored families, I knew of them.

Q Did you know the father and husband's name? A Mose I think.

Q You knew him? A Oh yes.

Q Did you know any other members of the family, the first names?

A I knew of their father's, but I didn't know but very few of their names, really I couldn't recollect enough of them, on their names, I knew several of the oldest ones, there are probably several of the younger ones that I didn't know, I knew their names, it is Grubbs, there is a family resemblance.

Q How long did you know them, up to what time did you know this

Nancy Ross or Grubbs? A Oh I have known her more or less all these years.

Q You know where she is now? A Well no I don't, my idea was that she was there at her home I guess, but I heard she is here in town now.

Q When did you last know of her being up there at her home? A Well as I said in the lower court this morning, I have no absolute knowledge of her being at home since her family was quarantined last winter.

Q Well you know of her then being there as late as last winter?

A Yes.

Q Now have you known of them ever since you have learned to know them a year or two after the war, up to last winter?

Mr. Mellette: It strikes me that is about as leading a question as it can be; I object to that question upon the ground of being leading.

Commission: The objection will be noted; let him answer the question.

A Practically so, sir.

Q How far did you live from them last winter, your residence?

A Last winter, I think about seven blocks, about that.

Q Did you know Ned Foreman? A I did know him in the years gone.

Q How long has it been since you have seen him? A I can't tell you, I don't remember much of having seen Foreman very much since he married, he lives out east of town some six or eight or ten miles, maybe eight or ten or fifteen years ago, maybe longer.

Q Did you ever know Kizzie, a girl? A I knew of her, knew her by sight.

Q Did you know her husband? A I don't remember whether I did or not, no I didn't.

Q Did you know George Ross or George Grubbs? A Well now I can't state that except from what I heard in the preliminary examination when we referred to her having married Newman.

Q You don't know about that? A I probably know of it at the time, but it has escaped my memory; the probabilities are I did know of it at the time.

Q Well through these years did you ever know of this family moving away from there? A No, I have no knowledge of their ever moving away, not to my knowledge; they might have been gone at times for a couple or two or three months or perhaps a greater period of time, but I wasn't aware of it at all.

Q Could it have been possible for this woman and her family to have lived here ever since '66 in the Cherokee Nation? A Well scarcely.

Q If she swears that she moved here in '66 and lived here ever since, she is mistaken? A Well I rather think so; that would be my idea of it; profoundly mistaken.

Mr. Mellette: There is that preliminary court you talk about?

A In the room below here.

Q What makes you call it a Court? A I don't know whether it was a Court or not.

Q Didn't they tell you that that is just the attorneys for the Cherokee Nation? A I don't know, perhaps they did.

Q Why did you come down here? A I was subpoenaed.

Q What kind of subpoena was served on you? A The same as the balance I presume.

Q Now what kind of subpoena was served on you, who signed that subpoena? A I think it was Mr. Keys.

Q Don't you know that subpoena isn't legal? A I don't know anything about it.

Q Do you people up there think that subpoena is binding on you folks to come down here? A That is the impression we got.

Q Why do you have that idea?

Mr. Hastings: That is the use of going into that; I

am going to object to that.

Mr. Mellette: I simply want to know what kind of subpoena is being served on these people, whether they are coming of their own accord and voluntarily to appear as witnesses in these cases or whether they are coming in obedience to a legal subpoena and if the subpoena served on them is a legal one, and if not, I want to know who signs it, by what process they are brought here, if they are voluntarily appearing as witnesses; it is a question that goes to their credibility; if otherwise, why they are entitled to know it. I simply want to know how this man is being brought here, upon what kind of a subpoena.

Mr. Hastings: If the Commission pleases, it is enough for the attorney for the applicant to know that a subpoena was regularly issued and that this man was brought here; he was brought here at our instance, we subpoenaed him, he is here to give testimony on behalf of the Cherokee Nation. Now what would it avail him, what business is it of his to go into the question of the legality or illegality of the subpoenas issued by the Cherokee Nation? That is a legal question that this Commission don't know anything about nor would it be of any benefit to them in this case to investigate it; it is simply a side question. For the gentleman's information, I might say the Cherokee Nation passed a law authorizing the employment of attorneys before this Commission, and that same law authorizes the issuance of these subpoenas by the attorneys for the Cherokee Nation, and these subpoenas were issued by the Cherokee Nation in obedience to that law, and these were served by people qualified to serve them upon these outside witnesses. It don't affect whether Nancy Grubbs came back here after the war, or whether she continued to reside here after that time.

Commissioner Breckinridge: I have no occasion to go into the question of the sufficiency of these subpoenas when served in the State of Kansas. If the witnesses themselves choose to raise the question and refuse to come, it would then arise before a Court of competent jurisdiction. There has been a law passed by the Cherokee Nation and approved by the President of the United States providing for all these processes, and so long as these witnesses are here, the only point in which I am concerned would be the weight of their testimony. Even if they came without any subpoena, it is a question of the value of their testimony. A great many of the witnesses here come without any subpoena; they are selected from the crowd at the time. If the service of a subpoena is necessary for the proper accounting of the business to enable the Cherokee Nation to pay their mileage and per diem, I don't see any objection to it. I overrule any objection that seeks to exclude evidence upon ground of that character, and that evidence will be received, and as for going into the technical question of the subpoena, I see no occasion for that. I want to proceed upon the merits of the case and the value of the testimony. If you want to impeach the witness as to his integrity and character, why take steps to that effect; otherwise I consider the question as of no probable bearing or force. Counsel can put in the record any objection that he likes, but the case will proceed and the matter will be considered by the full Commission when opportunity is offered.

Mr. Mellette: Now Mr. Thorp, where was Nancy Grubbs in 1866? A I think she was west of the river at that time living up there on a place they had rented.

Well, do you know where she was, can you swear where she was? I don't remember, I wouldn't say for certain that I was at their house in '66, but I think it was about in '67.

Well, are you willing to swear that you were at her house in '67?

A Oh I think I might, yes, sir.

Q Now if she swore that in 1867 she was in this country and went from Russell Creek up to Vinegar Creek, she is mistaken, is she?

A I think so, probably.

Q Now, you swear positively she is mistaken? A I think she was mistaken, I wouldn't say positively, but I think so just the same.

Q When did you get back from the army you spoke of? A I got home Christmas after, '65.

Q You said you saw her a year or two after you got back? A Yes, sir.

Q Well, was it one year or two? A I can't say as to that; I was hauling some wood for some man, over to a neighbor living just west of them, and I frequently went clear around by their house in order to avoid crossing two bad places.

Q But you can't say whether it was one or two years after you came back after the war, how do you know where she was in 1867?

A I was passing there and saw the old gent; I think on one occasion I saw her husband planting potatoes.

Q I am not talking about the old gentleman? A Well I saw the members of the family there and while not being absolutely close enough, still I had plenty good eyes those days, that is my recollection, that I thought I recognized the old lady, I might have been mistaken but it is scarcely possible.

Q Was that two years after you came back after the war? A I don't think it was, inside of two years, no, sir, about two years, it was in the spring time I was hauling this wood from Mr. Elmer Reagan's farm, H. L. Reagan.

Q Did you know a child of Nancy Grubbs named Martha? A I don't think I did.

Q Do you know whether the Nancy Grubbs you have been talking about is the Nancy Grubbs who has applied here, or the Nancy Ross who has applied here for enrollment as a Cherokee Freedman? A I can't say, just as I said in the lower room, whether a court or not, but I don't recollect ever having heard her called Nancy Rose at all.

Q But you don't know that the applicant here is the woman you have been talking about? A No, I know Mrs. Grubbs of course; whether she is the woman Ross or not now I don't know.

Q And whether she is the applicant or not you don't know? A Why if her name is Grubbs I presume it is the applicant.

Q Well, was there ever more than one Grubbs in the State?

A There was no more that lived there to my knowledge.

Q I saw, do you swear that the Nancy Ross who has applied here for enrollment is the Nancy Grubbs you have been talking about; do you? A I think that it is all one and the same person.

Q Do you know who has applied here as Nancy Ross for enrollment?

A I don't know, I have been informed.

Q I am not talking about what you have been ~~inf~~ informed; do you know who has applied here as Nancy Ross? A No, I do not.

Q Then do you know whether the Nancy Ross who has applied here is the Nancy Grubbs you are talking about? A I can't say it only in the way of a presumption, I took it granted of course in the way of a presumption it is the same.

Q Do you know Harry Grubbs? A Oh I have known of him I think.

Q Where was he born? A I can't say as to that.

Q Was he born in the Cherokee Nation? A I can't tell you.

Q You don't know whether he was born in the Cherokee Nation or not?

A No, sir.

Q Well, if he was born in the Cherokee Nation, Nancy Grubbs was here at the time, wasn't she? A Probably was; probably was, without no must have been born at pretty long range.

Q Where did Mose Grubbs die? A Well sir, I think he died in Iowa.

Q You swear that? A No, I don't, because I don't absolutely know outside of hearsay, that is how.

Q Now didn't he die in Fort Scott? A I can't tell you sir.

Q Did you keep your eye on Nancy Grubbs all the time to know whether she came down here to the Territory? A For several years

I passed her door, some 12 or 14 years, on the way to my home, passed three or four times a day.

Q Was she at home all the time? A She might have been, I can't say as to that, I know I saw her frequently though; I might not have seen her for a ~~month~~ week or two weeks, but I wasn't aware by hearsay or otherwise of her being absent from there.

Q Well, you didn't make inquiry, did you, as to whether she was absent or not? A No, no.

Q She might have been absent and you not hear about it? A Possibly, she might have been absent ~~for~~ very frequently that I don't know of, possibly, for short periods, I think two or three or four days; I knew her and three or four boys, and I have some slight knowledge of a girl or two, I don't remember how many.

Q Where was George born? A I can't tell you where any of them was born, I can't tell you whether they were born in the Cherokee Nation or Vinegar Creek or anywhere.

Mr. Hastings: I believe you stated that you passed their door three or four times a day for 12 or 14 years? A On my way from home to my shop, unless the weather was too extremely hot or stormy, I passed the door in going to my work and to my meals and back home again at night.

Q And during that time you never missed this woman? A Oh she was probably absent sometimes for a few days that I don't know anything of it, I know nothing of her being away.

M. G. ROBINSON, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A M. G. Robinson.

Q Where do you live? A At Iola, Kansas.

Q How long has Iola been your home? A Since the spring of '70.

Q Did you know a colored woman up there by the name of Nancy Grubbs or Nancy Ross? A Well, she was generally known as Nancy Grubbs.

Q I saw you know her? A Yes, sir.

Q About when did you learn to know her? A I don't know just how soon, it wasn't so very long after I came there, I can't say now just how long.

Q Now how long have you known her since, up to what time? A What I mean in a general way, knew their family in town, it has been my understanding they were there or some of the family all the time, or most of the time, well all the time; what I mean is some of the family.

Q Did you know her husband? A Yes, sir.

Q What was his name? A Mose, that is, he always went by the name of Moses Grubbs.

Q Well, did you know any of their children? A Yes, sir.

Q What was some of their names? A Well, there was one that was called, sometimes Ned Foreman, and some called him Ned Grubbs, and then there was George Grubbs and Kizzie Grubbs and Dick Grubbs, that was among the older children.

Q Do you know this one here (indicating Nelson Grubbs)? A This one here I believe yes, I am not sure whether it is George or Dick, one that they called Dick Grubbs.

Q Was there one they called Dick? A Yes, sir.

Q Do you know any other name for Dick? A No, that was the general name he went by.

Q Do you know where Dick went to school? A Yes, sir, he went to school there at Iola; that is the same, he went to school there, he graduated there at the High School, that is my remembrance.

Q Did you know one they called Nelson, or did they have one by that name? A I don't remember one by that name, being called that.

Q You live in town? A Yes, sir.

Q What is your occupation? A Wagon maker, I run the whole thing, but then wagon making is my trade, wood work rather.

Q Where did these people live when you first knew them? A They were living west of the river on a farm there.

Q About how far from Iola? A Well it is somewhere, that is to go out where they lived, it would have been along about close to two miles, a mile and a half or two miles.

Q They lived there when you first learned to know them? A Yes, sir.

Q How long did they live over there before they moved to town? A I can't tell you, they lived there, it must have been they lived there in town, well from fifteen to twenty years anyhow.

Q In town? A In town; of course I had nothing to particularly call my attention to the time they came in.

Q Did you see them there as you saw other people? A Oh yes, the same as I would other people, that is all.

Q Did they ever work for you, any of the family? A One of the girls worked for us some, but I don't remember now which one it was.

Q Did you know one they called Harry? A I don't remember him, not by that name.

Q Did you know one by the name of Kizzie, a girl? A Yes, sir.

Q Know whether she is married or not? A Yes, sir, I think she is, that is my understanding.

Q Do you know her husband? A Yes, sir, Newman I believe, that is my remembrance now, that she married Newman.

Q You know where Newman lives? A I think he is living there in Iola.

Q You have never missed her? A I haven't missed her, no, sir.

Q Well, when was the last time you saw any of this family up there?

A Well it is hard to tell now, it seems to me that it has been a good while; last winter they had the smallpox there; I wasn't down there, but then that was the talk, they had it, that was the report.

Q Were they living in town then? A Yes, sir, same place they have been living ever since they have been there in town.

Mr. Mellette: Well, where was this woman whom you call Nancy Grubbs in 1875? A Well my remembrance is that she was there; that is, out on the farm, out west of town, that is, they were living on the farm there.

Q Do you know whether she wasn't down in the Cherokee Nation at that time? A No, sir, I don't; that is, not at that time.

Q Isn't it a fact that two of the children have always lived up there, Harry and Arthur of these applying for citizenship in the Nation, and that the other people come up there to visit them sometimes? A That I don't know, that is, about the living there, that is, I don't know that they have been away, I don't know that they have been away; my understanding is that they have been there.

Q I am not talking about your understanding? A Why I say I don't know that they haven't been away some.

Q You made the remark a while ago, that some of the family were there all the time? A Yes, sir.

Q Now what did you mean by that? A Well that the family, that is, that where they were living that the family was there.

Q Own any property? A Owned that farm.

Q All the family? A The Grubbs, that is, Nancy, and my understanding is, rather that that was her home.

Q You don't know that she was there all the time? A No, sir.

Q The children all lived there too, didn't they? A Well I think so, that is, those that I have mentioned.

Q Well Harry and Arthur? A Well Harry, yes, sir, I think so.

Q But you don't pretend to say that the old lady, Nancy Grubbs, has made that her home all the time? A Not all the time, no, sir.

Q Do you know anything about her living up on Vinegar Creek in the Cherokee Nation? A No, sir, I don't.

Q Do you know anything about her ever coming to the Cherokee Nation? A No, sir, only just of the reports is all.

Q Then you did hear reports? A I have heard that she has been here a few times.

Q And she might have been here when you didn't hear of it? A Yes, sir.

Q You moved to that country in 1870? A 1870, yes, sir.

Q And you knew nothing about Nancy Grubbs or her family before that time? A No, sir.

Q How long have you lived there, before you became acquainted with her? A I don't think it was a great while afterwards, I had just been there, just done some work for Mr. Grubbs, but I can't tell you now just how long, or how soon it was, it wasn't a great while after I went there.

Q One year or two years? A I am satisfied it was inside of two years.

H. P. GRAY, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A H. P. Gray.

Q What is your postoffice address? A Iola, Kansas.

Q How long has that been your postoffice, or home? A 23 years last December.

Q You know Nancy Grubbs, or Nancy Ross? A Yes, sir.

Q How long have you known her? A Well, I have known her for 23 years maybe now, I got acquainted with the Grubbs family right after I got there.

Q Where were they living when you got acquainted with them? A They were living in a little cabin a mile and a half west and a mile north of Iola.

Q Did they afterwards move to town? A Yes, sir.

Q Did you know them after they moved there? A Yes, sir, they lived on the same street that I did, about six blocks south.

Q Now how long have they lived there? A Well, it is right close to 20 years, I wouldn't like to say because I didn't make any note of it.

Q Well, your best judgment as to the time? A My best judgment is it is eighteen years last spring since they moved in there.

Q You know where they moved from when they moved to town? A Yes, sir, they moved from that cabin.

Q Did you Nancy Rose' or Nancy Grubbs' husband, ~~Max~~ what his name was? A Mose Grubbs, yes, that is the fellow that I supposed was the husband.

Q Did you know any of the children? A Yes, sir.

Q Name some of them? A Well the oldest one was Lou I think that is the oldest one, and the next was Kiz, I may be mistaken now, I don't swear I know exactly, but Kiz and Dick - oh confound it I forget the other names, I would know it if I would hear it, but I don't recollect the names; they were the oldest; well George was older than Dick, George was next to Kiz according to my best judgment; he is about 28 years old I should think.

Q George married? A He has been once or twice, I don't know whether he has got a wife now or not.

Q Do you know where he lives? A No, I do not; I saw him this summer but I don't know where he lives.

Q Where did you see him? A He was there at Iola a few days.

Q Where is Ned Foreman? A Ned Foreman, he is down in this way or some other Nation, I forget, down here.

Q Do you know how long he has been away from up there? A About some three or four years ago last fall when he left there.

Q Where is this old woman, Nancy? A She lives there in town, I think, when she is at home, she is away some, she was down here about a year or two or three years ago, down in this country somewhere, close to this town.

Q Did you hear of the strip payment about that time? A Yes, she came about that time, her and all the balance of them up there, pretty near all.

Q Well I believe you said you got acquainted with them about '78? A Yes.

Q Have you known her since that time? A Yes, sir, I have always known her ever since that.

Q I believe you said they moved to town about

Q I believe you said they moved to town about 18 years ago, to the best of your judgment? A I think that is about it.

Q You know whether Kizzie is married or not? A I do not.

Q Do you know whether they had the smallpox in their family last winter or not? A I think they did, I was told them had by the Marshal, that is the man that told me, I didn't go down to see, for I had no use for the small pox.

Q Mr. Gray, do you know this one (indicating Nelson Ross.)? A Yes, I do now, he looks like Uncle Mose.

Q Looks like his father, does he? A Yes, it has been a long time since I have seen him to know him, I wouldn't have known him to meet him out on the streets, wouldn't have known him.

Q What did they call him up there? A I can't tell you now, but there is half of the fellows there, especially among the colored fellows had some kind of a nick name that nobody else don't know who they were except by that name.

Q But you just recognize him as a Grubbs? A Yes, sir.

Mr. Hellette: Well, who is this man sitting here (Nelson Ross.)?

A He is one of the Grubbs family.

Q You swear that? A Well, I have always been told he was, and he used to live with them.

Q Well he hasn't been up in that country for a good many years, has he? A Oh I don't know, it hasn't been a great many years since he was there.

Q Did he go to school there? A Yes, sir.

Q How far is it from Iola to the Cherokee line? A Well sir, I can't tell you.

Q About how far? A Why I should think it is right close to ninety miles, I may be away yonder mistaken because I never was over the road except I came down here the other night and I came all the time in the night.

Q Isn't it a fact it is about 60 miles? A Well it ought to be farther than that.

Q Well how long does it take to come from Iola to the Cherokee Nation? A It took me from eight o'clock in the morning till 6:15 the next morning to come here, but the biggest part of it was lying over waiting for trains.

Q How far is from here to where you live? A I don't know, I can't say anything about the distance, I never was over the road, I can't say.

Q What railroad do you live on? A I live on the Santa Fe and Missouri Pacific, they cross there at Iola.

Q How far do you live from Coffeyville? A I don't know.

Q About how far? A I can't tell you for I never was over that country and never paid no attention to it.

Q You don't live over fifty miles from Coffeyville? A Why I would think so.

Q Well, where did Nancy Grubbs live in 1875? A I can't tell you.

Q Where did Nancy Grubbs live in 1885? A She lived in town, I think.

Q Do you know that she lived there? A Well -

Q Do you know whether she was there at all during the year 1885?

A In that country, yes, sir.

Q You swear she was there during that year? A Yes, sir.

Q Did you see her? A There never has been a month I didn't know, that I didn't see her, only when she was down here about three years ago.

Q Well, we will confine ourselves to the year 1885 please: did you see her in 1885? A Well I don't know, I can't tell you, but they didn't live on their farm then, out in the country then.

Q Well, will you swear that you saw Nancy Grubbs at Iola in 1885?

A I wouldn't answer that question, for I don't recollect.

Q Did you see her in 1886? A Oh I don't know what year I saw her in, I never missed her from there, I don't recollect about the years.

Q Would you be likely to miss her if she would go away from home?

A Well I would suppose so.

Q Why? A Because I saw her frequently and she washed a great deal, or used to.

Q Well, is there any reason why you should keep track of her?

A Nothing only that she is an old settler there and I got acquainted with them when I first came to the country.

Q Do you pretend to say that Nancy Grubbs couldn't have been away from that town for six months without you knowing it? A No, I would not say that, most anybody could have been away from that town and me not know it, not know anything about it, but the family hasn't been away from there.

Q What do you mean by the family? A Why the children generally.

Q Well now name the children that you mean by saying the family?

A Well, Lou I guess, Lou has been away from the last several years, she died, she was Gravens' wife, she was Wash Ross' wife in the first place when I first knew her.

Q Now we are talking about Nancy Grubbs and not her family and I want to know whether you can swear that she hasn't been there all the time since you knew her, or not? A Well she has a great deal, the biggest part of the time, but I wouldn't say she hasn't been there all the time, I recollect once that she was at Fort Scott some little time but I don't recollect how long that was, the majority of the years since I have been there I run a meat market, I used to deal with the Grubbs when they had any meat to buy of me, and they usually bought meat right along, more or less.

Q Isn't it a fact that Nancy Grubbs hasn't kept house for twenty or thirty years? A No, it is not.

Q That the older children who lived in Iola kept the house there, Harry and Arthur? A Well they might have kept the house a great deal of the time, but Nancy Grubbs has been there.

Q You don't say she ever kept that as her house, she kept the house, run the house? A Why yes, I suppose so, she lived there.

Q Well, didn't she live there with her older children, Arthur and Harry? A Well now that is a question, whether she lived with them or them with her, I don't know how that was, but they all lived there.

Mr. Hastings: Now you have known them since '78 I believe? A Yes, sir.

Q Now how often, or about how often, have you seen them since that time? A Why I used to see them of course there near every week day, she nearly always came to town when she lived out in the country and washed every day, old Uncle Mose used to fetch her to town frequently and when he didn't she came afoot, and back home; she has washed for my folks lots of times.

Q Well, how frequently did you see her after she came to town? A Oh pretty near every big occasion, especially any sort of a social, she would always help the women, everybody called her Aunt Nancy, she was known by that and nothing else.

Q Did you ever miss her for any considerable length of time? A No, I never missed her away from there any great length of time.

Mr. Mellette: Could she have been away from there without you missing her? A Oh she might, yea, sir, I don't suppose she was gone; she was a very popular colored woman among the women folks.

Commissioner: This testimony in this case will be made part of the record on Free Men D-532, D-1020, D-1023, D-1009, D-315.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 19th of October, 1901.

Alfred H. Jones

Commissioner.

File with Jesse Vann, C. F. D 254.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 9, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Jesse Vann,
C. F. D. 254.

Appearances:

W. W. Hastings for the Cherokee Nation.

Applicant present in person.

C. L. Lynch being first duly sworn by Com'r T. B. Needles,
testified as follows on the part of the Cherokee Nation:

(By W. W. Hastings)

Q What is your name? A C. L. Lynch.

Q What is your age? A 80.

Q What is your post office address? A Stillwell.

Q What is your father's name? A J. M. Lynch.

Q Where were you living before the war? A Over ther on Grand river in Saline district, Cherokee Nation.

Q In the north end of Saline? A Yes sir.

Q Was your father dead at that time—before the war? A He died in '61, whe the war came up.

Q Did a colored man belong to your family named Steve Henry or Steve Lynch? A Yes sir.

Q What name did he go by? A Steve.

Q Did he have some children? A Yes sir.

Q Do you know any of their names? A He had one named Jennie and a step son named Jess.

Q Did he have any more step children before the war? A Will.

Q Who did the man belong to? A My father when the war come up.

Q Where did you go during the war? A I went south.

Q What was the mother's name, of Jess and Will? A Peggie.

Q You went south during the war? A Yes sir to Missouri and Texas.

Q Well, did you own any property in the north end of Saline district when the war came up? A Yes sir.

Q When did you come back after the war? A February '67.

Q Where of? A I come back to Saline district and to different districts

Q To your old home? A Yes sir.

Q For what purpose? A I had an interest there.

Q How long did you stay there in February of '67? A I dont recollect exactly how long I staid there; not right on the old place very long.

Q I mean in that neighborhood? A 2 or 3 months I reckon.

Q Did you see anything of your old slave Steve? A I dont recollect seeing him at that time in '67

Q Was he living on the old place at that time? A No sir he wasn't .

Q What did you do with the place? A Sold it.

Q When? A I dont recollect.

Q What did you do with it that year you first came there? A Rented it.

Q Who to? A Mr. Scraper.

Q George Scraper? A Yes sir.

Q Is that George Clark's father-in-law? A Yes sir.

Q Now you say you were around there for two or three months that time?

A Yes sir longer than that off and on, I went to Flint district and back again between '67 and 8.

Q Did you meet any of your old slaves there? A Yes sir.

Q Well, name some of those you remember? A Met Simon, Anderson, Art and one named George, and Simon's family and and old lady named Peggie.

Q Do you remember Anderson pretty well? A Yes sir.

Q What other name did he go by? A Crap.

Q Did you rent him a part of that place that year? A Yes sir, I had a little place of my own that I rented him.

Q Separate place? A Yes sir.

(By Mr. L. B. Bell, Cherokee Representative)

Q What was that place you rented to him called? A The Harrison place.

Q Where was that? A 2 and a half miled below, on the river.

Q Above or below Island Ford? A Below.

Q How long did Crap stay there? A I dont know exactly.

Q Did you sell it to him afterwards? A Yes sir.

Q When? A The fall of '67.

Q Was you there when Crap made a crop there? A Yes sir.

Q Did this Steve help him make that crop? A No sir, he wasn't there when I rented that place.

Q What was Poggie's name—Steve's wife? A Indian Poggie.

Q You had two Poggie's as slaves? A Yes sir.

Q Steve had a wife before he married Poggie? A Yes sir.

Q What was her name? A Hannah.

Q Did you see any of Steve's family? A No sir.

Q Neither his wife nor children? A No sir not at that time.

Q When did you first see Steve up there? A I cant say exactly, some time in '68, but I dont know when he came there.

(By the Commission)

Q Who did Steve Lynch belong to? A Joe M. Lynch.

Q Did you know Jess Varn, his step son? A Yes sir.

Q Was he a slave? A Yes sir.

Q Who did he belong to? A J. M. Lynch.

Q Where did they go during the war? A North, I understand.

Q Do you know when they returned? A No sir.

Q The first time you saw them was in '68? A Yes sir.

Q Where they were in '66 you don't know? A No sir.

Q What time did you see Anderson Lynch the old Harrison place? A I don't recollect exactly, I rented it to him in '67 and I think I sold it to him in the fall or winter of '67.

Q Are you sure of that? A To the best of my recollection.

Q When did you come back yourself? A '67.

Q You went out during the war? A Yes sir.

WALTER WEST, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Mr. L. B. Bell)

Q What is your name? A Walter West.

Q What is your age? A Spavinaw

Q Are yc a citizen of the Cherokee Nation? A Yes sir.

Q How long have you been that? A Little over six years.

Q When did you live at during the beginning of the war? A I lived on Spavanaw.

Q That might be most anywhere; don't you know what State, Nation or where?

A Saline District, Cherokee Nation.

Q Did you go out of the country during the war? A Yes sir.

Q Where did you go? A South.

Q When did you return to the Cherokee Nation after the close of the war?

A Spring of '66 that is when I came here.

Q Where did you settle—did you settle where you are now? A No sir I camped in a tent on the old Military road on the Neosho river the first place.

Q Where did you get a house to live in? A I had a tent then.

Q Well, when did you quit the tent and go to living in a house? A As well as I can recollect it was the winter of '66 I got my lumber and in the spring of '67 I built.

Q Where? A On the Military road below Cabin creek in Delaware district.

Q How far from where the Military road crosses Cabin creek? A About a half a mile.

Q Were you acquainted with old man Joe Lynch in Saline district, Cherokee Nation? A Yes sir.

- Q Did you know a colored man named Steven? A Yes sir.
- Q Did you know his family? A Not just that time.
- Q Did you ever meet him after the war? A Yes sir.
- Q In the Cherokee Nation? A Yes sir.
- Q Where and when? A Spring of '68, February or March at the old Lynch farm.
- Q Was he living there then? A He told me he had just moved in the day before, I rode up to the fence and he came out on the porch and I never got off my horse.
- Q Where did he tell you he came from? A From Kansas, he said.
- Q That was in the spring of '68? A Yes sir.
- Q Was that the first time you saw him there? A Yes sir.
- Q Did he have any family with him then? A I never saw any, I never got off my horse as I never had no business there, just rode up to the fence and talked with him.
- Q Do you know this applicant here, Jesse Vann? A I do now, but I didn't at that time.
- Q Did you know at that time that he was Steve Lynch's stepson? A No sir.
- Q When did you learn that? A Afterwards.
- Q How far is it from where you live to where Steve Lynch stopped that time? A Two and a half or three miles.
- Q How far from the mouth of Cabin creek was that to where you lived? A About two and a half miles.
- Q You met him on the east side of Grand river did you? A Yes sir.
- Q What place did you say it was? A The old Lynch place.
- (By applicant of witness)
- Q In the first place I would like to know where was Steve Lynch living when you moved there and went to hauling that lumber for to build that house? A He was in Kansas I reckon, that is what he said.
- ~~Q What is that he said~~ (This question put out by request of applicant)
- Q Next question: When you met Steve Henry, did you know where he was living at that time? A He didn't have any place at that time.
- Q I understood that you didn't have any business to get down off 'en you horse so how could you know he had no place? A Well that was Lynch's house where I saw him.
- Q I want to know if this Steve Henry told you what place he was living on at that time? A He never told me that—I told you that he said he had just moved in the day before.
- Q You say you met him on the Lynch farm when he first came in? A I didn't meet him, I rode by there and stopped and he was there at the house.
- Q Was he horseback or standing? A He was standing on his feet talking to me.
- Q Where did you live at that time? A This side of the river.
- Q In a house? A Yes sir.
- Q How far from Grand river? A Two and a half miles.
- Q You never knew this woman that they called Indian Peggy before the war did you? A Yes sir.
- Q Who did she belong to before she belonged to Joe Lynch? A To a full blood Indian who lived on Rose Prairie named Watt Stopp.
- Q Do you know when Lynch bought her? A Just before the war.
- Q Then you knowed the whole family all but the children? A I knowed Steve and Peggie.
- Q When Peggie was sold did she have any children? A I don't remember how many children she had.
- Q Don't remember? A (No response)
- Q How long did you know her before the war? A I knowed her about 5 or 6 years maybe longer.
- Q You know that she belonged to some full blood before the war but didn't know his name? A I told you it was Watt Stopp.
- Q How far did you live from him? A 4 or 5 miles.
- Q How long did you know him? A I never went to his house except when he was preaching, he and my grandfather used to preach together and I went there then.

(By the Commission)

Q You knew Steve Lynch before the war? A Yes sir.

Q He was a slave? A Yes sir.

Q You didn't know Jess Vann, his step son? A No sir not until after the war.

Q All you know of Steve Lynch's returned to the Cherokee Nation is what he told you? A Yes sir.

Q All you know of where he lived before his return was what he told you? A Yes sir.

Q Peggie, Indian Peggie, was his wife? A Yes sir.

Q Was she there when you saw him first? A I never saw her that morning, I saw her a few weeks afterwards.

(By Bell)

Q Where did Steve Henry settle after '68? A On the south side of Grand river, or east you might call it, below Island Ford two miles.

Q How far from the Lynch place where you first saw him? A Mile and a half.

(By the Commission)

Q Is this Steve Henry and Steve Lynch the same man? A Yes sir.

Q You have no doubt in your own mind as to this being in '68? A No sir

Q You were out yourself during the war? A Yes sir.

Q When did you return? A In '66.

Q And you are satisfied that it was two years after you returned that you saw him? A Yes sir.

GEORGE W. CLARK being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Hastings)

Q What is your name? A George W. Clark.

Q What is your age? A 58.

Q Are you a citizen of the Cherokee Nation by blood? A Yes sir.

Q Did you live in the Cherokee Nation before the war? A Yes sir, all my life.

Q Were you in the Northern army during the war? A Yes sir.

Q Where did you locate just after the war? A On Lynches Prairie, Saline District, Cherokee Nation.

Q On Grand river? A Yes sir in the neighborhood where I am living now.

Q Did you know old man Joe Lynch before the war—father of Lon Lynch? A Yes sir.

Q Do you know this Lon Lynch who just testified in this case? A Yes sir

Q Did you know a slave that belonged to the family named Steve Lynch or Henry? A Yes sir, I knowed him before Lynch owned him, as Buffington.

Q Did you know his wife, Peggie? A I knew her after the war.

Q Didn't know her before the war? A No sir.

Q Did you know their children? A Yes sir.

Q Name some of them? A I seed a couple of them—her children—my understanding was that they was her children—uncle Steve's step children, one was named Jess and one was named William.

Q What time did you come back here after the war? A As soon as I was mustered out I came back there and married and have been there ever since.

Q Come back when? A '65.

Q Who owned that place before the war that you went to when you returned?

A Joe Lynch, during the war the Northern Indians sold the Southern Indians places and my father in law bought it.

Q Where did you live in '66? A Right below my father in law, four miles below him.

Q Where did your father in law live in '66? A On the Joe Lynch place.

Q What was your father in law's name? A George W. Scraper.

Q He is dead now? A Yes sir.

Q When did you first see this Steve Lynch or Henry after the war? A He

came on a visit down there in the fall of '67 and stopped there with some other colored people that belonged to the Lynch family, George and Simon.

Q Was his family there? A No sir he was on a visit by himself.

Q Did you see him? A Yes sir.

Q Where did he say he was from? A Kansas.

Q Where was his family then? A He said in Kansas.

Q What was in '67? A Yes sir.

Q When did you next see him? A Fall of '68.

Q Was his family there then? A Yes sir.

Q You know this family well do you? A Yes sir, they live close to me.

Q How far do they live from you? A 3 or 4 miles, from where I lived then and now three and a half miles according to the measure line.

Q This is the same Steve? A Yes sir the same one.

Q Same one that you had a talk with in the fall of '67? A Yes sir.

There was a colored man that used to belong to uncle Joe that was named George and he was a blacksmith and had a shop up there and did the neighborhood blacksmithing, I saw Steve there when I went to have some blacksmithing done.

Q He never made a crop on the old Joe Lynch place in '66? A No sir, my father in law made a crop there that year.

(By L. B. Bell)

Q Did he make a crop on the Harrison place in '66? A No sir it was a vacant place then, no one lived on it.

(By applicant of witness)

Q How long before you saw Steve Henry before you moved to the Dirteater place? A I moved to the Dirteater place before '66.

Q When you didn't know Steve Henry before you moved to the Dirteater place? A Yes sir I knew him before the war.

(By the Commission)

Q Did you know this applicant here? A Yes sir I know him.

Q Was he up there at that time? A Yes sir they was the old lady's boys, my understanding is that these two boys is only step children of old uncle Steve.

Q Did you know these two boys before the war? A No sir.

Q If Steve came there into the country and located a place before that you don't know it? A No sir.

Q The first time you saw him was in '67? A Yes sir after the war.

Q He h i been a slave? A Yes sir, belonged to Buffington before he belonged to Lynch.

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This will be filed in the following Cherokee freedmen doubtful cases: D-254; D-318; D-190; D-651; D-636 and D-609.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 14th of October, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 25th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of William Vann et al., C. F. D. 309.

Appearances:

W. W. Hastings for the Cherokee Nation
Applicant present in person.

HANNAH VANN being duly sworn by Commissioner T. B. Needles, testified as follows on the part of the applicant:

(By the Commission)

- Q What is your name? A Hannah Vann.
Q Are you the wife of William Vann, the applicant? A Yes sir.
Q What was your mother's name? A Nancy.
Q Do you claim your citizenship through your mother? A Mother and Father both.
Q What was your father's name? A George Johnson.
Q Are they living? A No sir both of them is dead.
Q How long have they been dead? A Father died in January 1882.
Q How long has your mother been dead? A I cant tell just exactly what year it was, I was born in '61 and she died when I was little
Q Are your father and mother on the roll of 1880? A Yes sir.
Q Both of them on the roll of 1880? A My father is on it, my mother was dead then.
Q What did you say your father's name was? A George Johnson.
Q Where were you born? A I was born in the Nation here.
Q Cherokee Nation? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q When were you married to William Vann? A In 1879.
Q Did your father live in Saline district? A Yes sir and died there.

The 1880 roll examined for the father of this witness, and his name is found thereon as follows: Page 642 No 596, George Johnson, Saline district.

- Q What was your mother's name? A Nancy.
Q Did your father marry again after your mother died? A Yes sir he married Rachel.
Q Was your father and mother married? A Yes sir.
Q Have you any proof of their marriage? A Yes sir.
(By Hastings)
Q Did you have any sisters? A Yes sir.
Q What were their names? A Jennie.
Q Is she your full sister? A No sir half sister.
Q And Malinda and Johnnie? A Yes sir.
Q Your father and mother never lived together after the war? A No sir, she died.
Q Where did she die? A I dont know where she did die.
Q You wasn't old enough to remember? A No sir.
Q Where were you when you can first remember your father? A I was on Horse Creek or Honey Creek with my grand mother.
Q What was her name? A Mary Cricket.
Q Your father didn't raise you then? A He come and got me from my grandmother.
Q She raised you from the time your mother died until you got up to be a good big girl? A Yes sir.
Q How old were you when your father come and got you from your grand mother? A Six years old.
Q Where was your grandmother living? A On Horse creek or Honey Creek.

Q You dont know who else was living there? Gus Buffington and Zeek Miller was living there.
Q Was that your mother's mother? A Yes sir.
Q Who were you living with when you were married? A With my father.
Q Is Rachel dead? A Yes sir.
Q How about these half sisters, are they living or dead? A All living.

ALLEN LYNCH being first duly sworn by Commissioner T. B. Needles testified as follows for the applicant.

Q What is your name? A Allen Lynch.
Q How old are you? A 61.
Q What is your post office address? A Vinita.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know Hannah Vann? A Yes sir.
Q Do you know her husband? A His name is Bill Vann or Bill Steve we always call him.
Q Did you know Hannah Vann's mother? A Yes sir.
Q What was her name? A She used to belong to Stan Watie.
Q What was her father's name? A George Lynch or Johnson they called him.
Q Where were they married? A They married just like darkies used to do.
Q They lived together as man and wife did they? A Yes sir.
Q For how long? A Two and a half years, he worked there at Stan Waties and staid withthis woman there.
Q Is this girl's father and mother dead? A Yes sir.
Q Did you know this girl when she was born? A Yes sir.
Q Was she always considered as the child of George and Nancy? A Yes sir.
Q How long did they live together as man and wife? A He was up there at Stan Waties about two years, he was hired out there and he married this woman and got this child by her there.
Q Did he marry again after the mother of Hannah died? A Yes sir.
Q Who? A Rachel Cullens.
Q Is she dead? A Yes sir.
Q Did George have any children by his first wife other than Hannah? A That is all.
Q Did he have any children by his second wife? A Yes sir.
Q How many? A Two or three.
Q What were their names? A Johnson and one girl--I dont know exactly what their names were.
Q How long did you say he lived with the mother of Hannah? A He lived with her all the time he was up there at Stan Waties, and he was there over two years.
Q How lang after that did she die? A She went south with Stand Watie.
Q Did she die during the war? A Yes sir she died there.
Q Did George go south with her? A No sir he went north, he was in the army with me.
Q Was this girl born in the Cherokee Nation? A Yes sir, on Brush creek.
Q Do you know when she come back here? A We came here in '66 in February and during that summer George wentto this girl's grand mother and got this girl.
Q Has she lived here ever since? A Yes sir
(By Hastings)
Q Where were you living in '59 and '60? A Over here on Lynch's Prairie.
Q Where was Stan Watie living then? A On Brush creek.
Q What Brush creek? A Near Mayesville.
Q How far from where you lived? A 25 miles.
Q George was hired out to Stan Watie? A Yes sir and worked there in the blacksmith shop at the mill.

- Q And you think that he was living with the mother of this woman?
A Yes sir they told me so.
- Q Was this child born there? A Yes sir just about the time of the breaking out of the war.
- Q Did you ever see this woman yourself before the war? A Yes sir.
- Q Where? A At Stan Watie's in the kitchen; I staid all night there and saw her then.
- Q You say her mother's name was Nanoy? A Yes sir.
- Q Did Stan Watie take her south? A Yes sir.
- Q Has Stan Watie come back when George went and got this girl? A I dont know, I know when George came back and know that the went and get this girl from her grand mother's two or three miles south of Horse creek.
- Q How far from where Horse creek runs into Grand river? A Four miles about; the place joins to the old John Keg Landrum place and the Kelly place.
- Q You dont know then who brought this girl ba ck from the South? A No sir.
- Q Did George Johnson have any other children besides this one before the war? A Yes sir.
- Q What one? A Joe.
- Q What was his mother's name? A Rachel, she belonged to the Stovers
- Q Is that the one that they call Joe Benton now? A No sir they call him Joe Lynch.
- Q Was he born before, this girl was born? A Yes sir.
- Q You dont know how old this girl was when you first saw her when she first came back? A No sir I dont know how old, but I saw her a month or six weeks after he got her.
- Q When was it? A I dont know if it was in '67 or when exactly.
(By the Commission)
- Q She was then just a little girl? A Yes sir.
George Vann, being sworn by Com'r Needles, testified as follows for the applicant:
- Q What is your name? A George Vann?
- Q What is your age? A 52.
- Q What is your post office? A Lenapah.
- Q Are you a Cherokee freedman? A Yes sir.
- Q Do you know Hannah vann? A Yes sir.
- Q Is she married? A Yes sir.
- Q What is her husband's name? A William Vann.
- Q Do you know her father? A Yes sir.
- Q What was his name? A George Johnson.
- Q Did you know her mother? A No sir.
- Q Do you know when Hannah was born? A No sir.
- Q When did you first know her? A In '67 living with her father.
- Q Was her father married at that time? A Yes sir.
- Q What was his wife's name at that time? A I forgot her name.
- Q Was that his first or second wife? A Second wife, Rachel is her name.
- Q She didn't pretend to be the mother of Hannah? A No sir.
- Q You didn't know her mother? A No sir.
- Q Don't know if she and George lived together? A No sir.
- Q When did you first know George? A Ever since I first recollect.
- Q Did he go out of the Cherokee Nation during the war? A Yes sir he was a soldier.
- Q When did he get back here? A I dont know, I saw this girl though with him in '67.
(By Hastings)
- Q What time in '67 did you see this girl? A In January.
- Q What time in January? A After Christmas two or three weeks.
- Q Where was George living at the time? A On the old Lynch place I think.
- Q You saw him there? A Yes sir.

Q Why is it that you can remember exactly for 35 years that you saw him in January? A As I said before when Johnson lost his horses we went in the neighborhood to hunt them, and went to Mayesville and through in there.

Q How old was this child at that time? A Just a little girl.

Q How do you know that she was there? A George's child was there and I seed them from that time on.

Q Did he have any other children?there? A Yes sir, and I saw this one from that time on up.

By Com'r T. B. Needles- On May 16th 1901 William Vann applied for the enrollment of himself, his wife, Hannah and one child; and he and his wife and child were placed on D. card #309, and now comes Hannah Vann, wife of the said William Vann, in person and avers that she is the child of George Johnson and the said George Johnson is duly identified on the authenticated roll of 1880 according to the page and number as indicated in the testimony. The testimony points to the fact that George Johnson was married to one Nancy Watie, who was the mother of the applicant Hannah, and that Nancy Watie died before 1880, and that after the death the said George Johnson married one Rachel Johnson, ~~who is the step mother of the applicant.~~ The testimony points strongly to the fact that the applicant Hannah Vann returned to the Cherokee Nation in 1866 or '7, that she was a child when she returned and that she has been living in the Cherokee Nation continuously since that time. The original testimony shows conclusively that she is the mother of the child of William Vann, Anna. This testimony will be filed with the original application that of William Vann et al.C.F.D.#309.

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Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 5th of November, 1901.

(Signed) T. B. Needles,
Commissioner.

0-0-0-0-0-0-0-0

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

H. M. Vance

Subscribed and sworn to before me this the 20th day of May, 1904.

Charles D. Sawyer
Notary Public.

File with Cherokee Freedman D-254, Jesse Vann et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of Jesse Vann et al. for
enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the Applicants:

Appearances:

L. T. Brown, Agent for applicants;

J. S. Davenport, of counsel for Cherokee Nation.

ALLEN LYNCH, being duly sworn and examined by Commissioner
Breckinridge, testified as follows:

Q Give me your name? A Allen Lynch.

Q How old are you? A 61 years old.

Q What is your postoffice? A Vinita.

Q How long have you lived in the Cherokee Nation? A Well, I have
lived here all my life pretty near.

BY L. T. Brown: Are you a recognized citizen of the Cherokee Nation?

A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A Yes, sir.

Q Do you know the applicant, Jesse Vann? A Yes, sir, I know him.

Q Has he any brothers or sisters? A Yes, sir.

Q Name them please? A Well there is Bill Vann and Dan Henry.

Q Is he known by any other name than Henry? A Well they call him
Dan Lynch, or Dan Steve, he is a son of Stephen Lynch.

Q What was Jesse Vann's father's name? A Bill Vann.

Q Jesse Vann's father's name was Bill Vann? A Yes, sir.

Q What was Dan Lynch's father's name? A Steve Lynch.

Q What relation is Dan Lynch to Jesse Vann? A Half brothers.

Q Jesse Vann and Dan Lynch had the same mother? A Same mother.

Q What was her name? A Peggy Lynch.

Q At the close of the war, with whom was Steve Lynch living? A At
the close of the war Steve Lynch was in Kansas.

Q With whom was he living as his wife? A Peggy Lynch, that is
the mother of Bill and Jess.

Q Is she also the mother of Dan? A Yes, sir.

Q Do you know when Steve Lynch returned to the Cherokee Nation
after the close of the civil war? A Yes, I know the first time he
came down.

Q Please state when? A Well he came down in the fall of '66, I
can't tell just exactly what time.

Q No go ahead Mr. Lynch and relate the circumstance of his coming?

A Well he came down here and some other men and stayed down here
a week or ten days resting up their horses, and then went back to
Kansas; first they went and improved them a claim and afterwards some-
body took it away from him when he came back, but Crap went with him
Christmas and helped them move down, but what time they got down here
I can't tell.

Q What Crap is that you speak of? A Crap Lynch.

Q This you say was in the fall or winter of '66? A Just in the
fall before it got cold weather.

Q Now after he went back to Kansas during that year, did he ever
return? A That I don't know, I don't know when he got back.

Q Did he return? A Yes, sir, he got back.

Q After his return the second time did he continue to live in the
Cherokee Nation until his death? A Yes, sir.

Mr. Davenport: Is Crap Lynch sometimes known as Anderson Lynch?

A Yes, sir.

Q When did Anderson Lynch come back to the Cherokee Nation? A And-
erson Lynch came back in '66 if I recollect just right.

Q Well when this applicant, Jesse Vann, came back, where was he
living? A Steve Lynch I am talking about.

Q Well, where was this applicant at that time? A He was back in Kansas with his mother, the children was back in Kansas when the old man came.

Q Well, where was Jess Vann? A He was living with the old man, his stepfather; Steve Lynch was his stepfather.

Q Well, where was you living when this applicant in this case came to the Cherokee Nation? A Jess; I was living out there about ten miles, about that; I don't know when they did come down here, I can't tell you just when Jess did come; I know when the old man came.

Q When did the old man come? A He came along in the fall, before Christmas, and him and Crap went back to move down; I don't know just when he got back.

Q He came back down here with his family sometime after George Clark moved out there near you and George Clark lived up there? A Maybe he did, but I don't know.

Q Don't you know when George Clark moved there? A No, sir, I went away, I wasn't there when he came.

Q Well, Watt West was living there when he came? A No, sir, not there on the river.

Q Was either Watt West or George Clark living there when you went away? A George Clark moved out the time I went away.

Q Had he moved out there before this man and his family moved down?

A Before Crap went after him, no, sir.

Q But you don't know anything about when any of these applicants came; you know the father came here sometime after the war? A I saw him here and I saw him and Crap when he started back to Kansas.

Q Is Crap has testified George Clark and Watt West were both living out there when they came down, is that true or not? A I don't know, I wasn't living in the neighborhood.

Q You don't know when the applicant moved down? A No, sir, not when they moved down.

By L. T. Brown: I believe you have already stated that when Steve Lynch returned to the Cherokee Nation in the year 1866, that he made him a claim here? A Yes, I say he made him a claim.

Mr. Davenport: Where was that claim? A It was on the prairie the other side of Lynch's old place and old man Houston Bengé took it away from him when he came down; Anderson Bengé.

By L. B. Bell, Cherokee counsel: Where was you in October, 1866? A I was down there on that Dirtwater place.

Q What time did you move onto it? A Well I don't know exactly, didn't exactly move on there at all, I was just living, I had no family, I stayed at McCrary's and Simon's sometimes and at Lewis' and Simon's and sometimes at Craps, I had nothing to move.

Q Well, you stayed around there at Crap's you say? A I was around to Crap's, yes, sir.

Q You had no particular location? A No, sir.

Q What time did you finally locate? A It was in '67 I believe it was.

Q Where did you settle then? A Settled right down there, that is I stopped down there at Andy Friye's family right below the Doctor Thompson place, that is I stopped with him but I worked for Johnson Thompson.

Q That was in '67? A That was in '67.

Q You married along about that time, that year? A Yes, sir, I believe so.

Q Now where were you living in August, 1866? A If I don't mistake, I was living right there at the mouth of Mustang Creek close to what was called the Arch Simons place, I was right there, there is where I was in August.

Q Well, you were living with somebody then, stopping with somebody?

A Yes, sir.

Q Well, where were you living the early part of '66 around in there, in May and June? A I was living right down here at the mouth of this creek on the old Arludy place; I made a crop there.

MILLARD FILMORE HICKS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Millard Filmore Hicks.

Q What is your age? A About 53.

Q You have been giving your name heretofore as Filmore Hicks? A No, sir, as Millard Filmore.

By L. T. Brown: Mr. Hicks, do you know Stephen Henry Lynch, did you during his life time? A Yes, sir.

Q When did you see him for the first time after the close of the civil war, in the Cherokee Nation? A My best recollection, it was sometime in the fall of '66.

Q Did he continue to live in the Cherokee Nation from that time until his death? A Well, I can't say right from that time that he did.

Q Well, did he make this his home? A He made it his home.

Q Are you a recognized citizen of the Cherokee Nation? A Claim to be.

Q By blood? A Yes, sir.

Q Your name is on the roll of 1880? A Yes, sir.

Mr. Davenport: You are sometimes called Cap Hicks? A Yes, sir.

Q Now are you the same Cap Hicks that you and a man called Anderson got that mule for swearing for that party; didn't you and Andy Frye get a mule for swearing for some fellow? A I and Andy Frye did.

Q Who did you swear for? A Aaron Martin.

Mr. Bell: Do you know where he came from in Kansas or where he went to? A No, sir, I don't.

Commissioner: Copies of this testimony will be filed in Cherokee Freedmen doubtful cases D-254, L-651, D-190, D-316, and D-309.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 14th of November, 1901.

Wm. G. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 19, 1902.

In the matter of the application of Jesse Vann and others for enrollment as Cherokee Freedmen.

Applicant represented by Lewis T. Brown, Vinita, I. T.
Cherokee Nation represented by James S. Davenport.

JOSEPHINE HUMISTON, being first duly sworn, testified as follows:

- MR. DAVENPORT: What is your name? A Josephine Humiston.
- Q Where do you live, Mrs. Humiston? A I live in Linn County, Kansas.
- Q How long have you lived in Linn County, Kansas? A I have lived there the greater part of the time since '57. I have been out of the county a few times on visits, and was away some eight or ten months at a time, but that's been my home ever since '57.
- Q Since you lived in that county did you get acquainted with a colored man by the name of Stephen Lynch? A Yes, sir.
- Q When did you first get acquainted with him? A I must have seen him first in the fall of '82 or winter, I won't be certain whether it was in the winter or fall, but I think it was in the fall.
- Q Do you know whether or not he had a family? A Yes, sir, he had a wife and some children.
- Q What was his wife's name, if you know? A Peggie.
- Q Do you remember the names of any of his children? A The older boy they called Jesse, and Will, and Viney the oldest girl, and I am not positive which of the others was the older, Julia Ann, and one called Judie, I think Julia Ann is probably the oldest one. These children he brought there to the place when he came.
- Q Well, now, on whose place did I understand you to say they lived; after you got acquainted with them whose farm did they live on? A They lived on my husband's place, William B. Emerson, that's my first husband.
- Q You say that the children you have named they were in the family when they moved on the place? A When they moved on the place he brought those four children with them.
- Q While they were living on your place were there any children born to the family? A Three others.
- Q What were their names? A Judie was one, and Nettie and Sarah, but Sarah died when she was small, Sarah died when she was probably about two months old.
- Q Well, about how long did they live on your place or about what year did they leave or move away from the place? A They moved in the fall of '87.
- Q Your husband was a man of business conducting affairs, and kept accounts with the different parties that was on the farm? A He was always particular in keeping his accounts. He was the surveyor of Linn County, and had a great deal of business, and it became necessary for him to keep them in good order.
- Q Do you know whether or not during the year '87 he kept an account between himself and Stephen Lynch, a book account? A Yes, sir.
- Q Do you know where that book is now? A I have had it in my possession all these years.
- Q Is that husband living or dead? A Dead; he died in '90 I think.
- Q Would you recognize his handwriting if you should see it? A Yes, sir, I would.
- Q I wish you would examine the book that I hand you and see whether

or not the account on page 17 of that book is in the handwriting of your deceased husband, Mr. Emerson? A Yes, sir, that's his handwriting; I will swear to it.

Q As I understand, you have had this book in your possession since the death of your husband? A Yes, sir.

Q You knew Stephen Lynch's family quite well because they lived on the farm there for several years? A Lived on the farm, they raised five crops on the farm.

Q You don't know where those older children were born that you speak of? A No, I don't.

Q Do you know whether or not Stephen's children, the older ones that you named, are children by another husband of Peggie's? A I think they were children by another husband.

Q You don't know that or anything about it? A Only as I have heard them say so. I have heard Peggie speak of it frequently, that those older children were not Steve's.

Q I want to introduce the entries on page 17 that have been identified by the witness as being in the handwriting of her deceased husband, which book she states has been in her possession continuously since the death of her husband: "17.

| Stephen Lynch, | | Dr. | A. D. 1867. | Emerson. | A. D. 1867. | Cr. |
|----------------|-----------------------------------|------|-------------|----------|-------------|-----|
| July 6th, | By labor five days, | 13 | 5 50 | | | |
| " 13th, | By three days labor, | 14 | 3 00 | | | |
| " 20, | By four days labor toll. 90 | " | 4 90 | | | |
| " 23, | By four days labor heeling corn | | 1 00 | | | |
| " 26th, | By one-half days labor by S.A. J. | 15 | 50 | | | |
| " 29th, | By one-half days labor by S.A. J. | | 75 | | | |
| " 30th, | 2 3/4 gallons | | 75 | | | |
| August 5th, | To cash | 16 | 22 90 | | | |
| August 3d, | By cellar ditch, | 16 | 23 00 | | | |
| | Labor by Peggie | | 8 00 | | | |
| August 15th, | To cash | 17 | 23 65 | | | |
| Sept. 20, | To threshing wheat | 21 | 10 00 | | | |
| October 8, | To cash | 22 | 1 10 | | | |
| " 14, | By cash | " | 6 50 | | | |
| " 21st | By cash | " | 8 50 | | | |
| August 15th, | By 10 days work | 17 | 55 20 | | | |
| August 18th, | By one days work | 18th | 10 00 | | | |
| Sept. 3d, | By hauling wood | 19 | 1 00 | | | |
| " 30th, | 6 78 acres corn | 21 | 50 70 | | | |
| " | By fodder | | 15 40 | | | |

MR. BROWN: Mrs. Emulsion, at the top of this page referred to I see there has been some name there written before the word Stephen was written; can you tell me what that word was? A No.

Q Don't know what name was there before the word Stephen was wrote over it, do you? A No, sir, I don't; I didn't know that there was any such words there; of course a person might make a mistake in writing.

Q Now how long did this man Stephen Lynch rent a place from your husband? A He raised five crops.

Q Raised five crops? A Yes, sir.

Q When did he raise the first crop? A In the year '63.

Q Well, where was he situated, then? A He was on the place;

I don't know where that was, he was there all through those years.

Q Where was he situated, then? A He was on the place as I said.

His family was.

Q And during the month of December, '66, where was he? A If he was off of the place I didn't know it; I don't know where he was, he was on there I think.

Q It was possible for him to have gone away from that place and stayed as much as ten days and you not know it? A He might have done it.

Q He could have done it without you knowing it; you didn't have no occasion to know when he went and where he went, did you? A No, sir, not at all times.

Q Now then, if this applicant claims to have come to the Cherokee Nation in the month of December, '66, and stayed three or four or five days, are you prepared to say that he didn't come? A Not to my knowledge he didn't.

Q But you wouldn't swear positively that he wasn't here three or four days in the month of December, '66, would you? A I have no knowledge of it whatever.

Q Well, I say you wouldn't swear positively that he wasn't here three or four days during that month in that year? A Well, I think I could certainly say no, he wasn't.

Q Well, were you away from the farm any time during the years from '63 to '67? A Not any length of time.

Q For how long a time would you be away? A Not more than two days at a time.

Q Not more than two days? A No, sir.

Q Well, how you spoke of being away eight or ten months, was that during that time or since then? A Years and years since, probably fifteen years ago; not while they were there though.

Q There were a great many colored people in that neighborhood at that time that come from the Territory, were there not? A Well, I didn't know where they come from. There were quite a number come to visit Steve while he was on my place.

Q Well, now, Mrs. Humiston, do you know any colored family that left there in the fall of '68? A I do not.

Q You wouldn't have remembered anything about Stephen Lynch being there during the year '67 if it hadn't been for the fact that you have this book, would you? A Certainly I would; I remember well when he left if I hadn't seen that book.

Q How many years ago has that been? A It was the year of '67 I guess.

Q It's been about thirty-five years ago, has it not? A Yes, sir, I should say it has.

Q Is there anything to impress the leaving of this man upon your mind or your memory? A Yes, sir, we saw him leave the place.

Q Well, you have seen other people leave, haven't you? A Yes, sir.

Q Do you remember the month and the year they left thirty-five or six years ago? A Well, I didn't remember the month to be sure, but I know it was after the crop was laid by and gathered and everything.

Q Well, now, during the winter months there wasn't much to do on the farm was there? A My husband always hired his work done; he was away from home, and always hired his work done, hired Steve to attend to everything on the place.

Q Well now did your husband hire Steve Lynch during the year '68?

A Yes, sir.

Q Does this book show any record that he was hired? A No, not that book.

Q Have you any book that does? A I had a diary, but I didn't bring it.

Q Did you look in that diary before you left here to see whether or not that it showed that he worked during that year? A No, sir.

Q And notwithstanding the fact that this man worked for you for five years this is the only account that he kept so far as you know as to that work was done by him on that place? A Well, I think that he didn't keep his books in that corner he had it mixed up with

diaries before that. You see that this began about that time I think.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-461, D-190, D-516, D-509, D-535, and in the case at bar, No. D-554.

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24th day of April, 1902.

Arthur C. Croninger
[Signature]
Notary Public.

F. D 254.

To be filed with the case of Nettie Eaton, D-190.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Jesse Vann for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D- 254.

APPEARANCES:

Lewis T. Brown for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation as found in a book taken from the records of the Executive Department of the Cherokee Nation, entitled, "Docket of doubtful cases for Cherokee citizenship tried in 1871," and from the list entitled "Colored doubtful roll Saline District," the following:

"No. 57. Stephen Henry Lynch and family.
Decided against defendants June 8, 1871."

MR. BROWN: That is objected to on the ground that it is not shown that the person referred to in that decision was the applicant here or any of his parents.

MR. HASTINGS: The Cherokee Nation offers the decision in evidence and contends that the record in this case shows that the Stephen Henry Lynch referred to in this judgment is the father of the applicant and that the testimony in the case shows that.

COMMISSION: A copy of the above proceedings will also be filed in the matter of the application of Nettie Eaton, D- 190. It appears from the records of the Commission that Lewis T. Brown represents the applicants in the above cases.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(Signed) P. G. Reuter.
Notary Public.

I, George W. Irwin, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, state that the foregoing is a true and correct copy of the original transcript in the above case.

George W. Irwin

Subscribed and sworn to before me this 16 day of June, 1902.

P. G. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 28, 1902.

In the matter of the application of Jacob Bean for the enrollment of himself and children as Cherokee Freedmen.

SUPPLEMENTAL TO D-393.

Cherokee Nation appears by W. W. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the said Jacob Bean that it would at the office of the Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, introduce testimony tending to disprove his right to be enrolled as a Cherokee Freedman. The applicant has this day been called and fails to respond, either in person or by attorney.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation as taken from a book taken from the records of the Executive Department of the Cherokee Nation, entitled Docket of Doubtful Cases for Cherokee Citizenship, from Saline District, as follows:

"No. 64, Jacob Bean and family.
Decided against defendants June 8, 1871."

The Cherokee Nation also asks that the testimony introduced in the case of F. D-213 be introduced and made a part of the record in this case. The Cherokee Nation also asks that the statement of Wat West, filed in F. D-581, be filed with and made a part of the record in this case.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 7th day of July, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of FERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellete & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Daniel Lynch, 'N 216;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last. that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

F.D. 368.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 5, 1903.

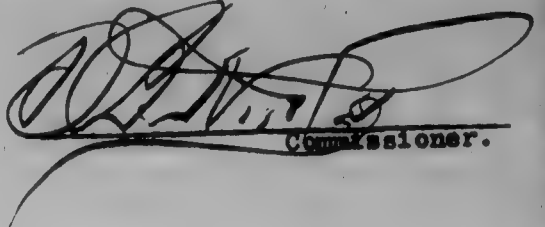
I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original on file with this Commission.

C. A. Beckwith
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskegee, I. T., February 16, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original on file with this Commission.



Commissioner.

Cherokee Freedman R -452.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 14, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JACKSON FIELDS ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, Chas. B. Rogers.

For Cherokee Nation, W. W. Hastings and J. S. Davenport.

The attorneys for the applicants and the Cherokee Nation were notified that this case would be taken up for further hearing on September 7, 1905, and by stipulation of the attorneys on both sides the case was continued until nine o'clock A. M. September 14, 1905.

ARTHUR BEAN, being first duly sworn, testified as follows:

BY MR. ROGERS:

Q What is your name? A Arthur Bean.

Q Where do you live? A Up on Grand River.

Q What Nation? A Cherokee.

Q What is your age? A About 62 years old I guess now.

Q I will ask you if you were born in the Cherokee Nation? A Yes sir.

Q Did you know Jackson Fields along about the time of the Civil War? A Yes sir.

Q You were acquainted with his father? A Yes sir.

Q What was his father's name? A Andy Fields.

Q Did you leave the Cherokee Nation during the war? A Yes sir.

Q Where did you go? A To Kansas.

Q State of Kansas? A I was there, didn't stay there.

Q Did you return to the Cherokee Nation after the war before 1866?

A Yes sir, in the fall.

Q What time in 1866? A Along in the fall I guess.

Q Are you positive that you returned in the fall of 1866? A Yes sir, I guess I do.

Q Were you a Federal soldier? A Yes sir.

Q Did you know Jackson Fields before you went away from the Cherokee Nation? A Yes sir.

Q About how old was he at that time? A I don't know how old he was, he was a little boy.

Q Did you see him after he returned to the Cherokee nation in 1866?

A No sir, I didn't see him in '66.

Q Did you see him after you returned to the Cherokee Nation in 1866?

A I seen him afterwards.

Q When was it you saw him? A Along in '67 sometime.
Q What time in the year? A Along in the winter time.
Q Can you name the month? A It was either January or February, shortly after Christmas.
Q Where was he living at that time? A I really don't know where he was.
Q Was it in the neighborhood where you lived? A He was passing through.
Q Did he have any fixed abode? A He said he was stopping with Joe Lynch.
Q Who was Jackson's mother? A Chaney Ross.
Q Did she return from Kansas? A I couldn't tell you.
Q Have you known Jackson Fields since that time? A Yes sir, ever since then.
Q Have you seen him frequently in the Cherokee Nation since January or February, 1867? A Yes sir, I have seen him frequently.
Q Has he made that his home? A Ever since I knew him, he wasn't regular stationed down, he was a boy that passed in and out.
Q Do you know whether his mother was dead at that time? A No sir, I don't.
Q About how old was Jackson when you saw him there in the winter of 1867? A He was just a boy, pretty good size boy.
Q About how old? A I guess he must have been about 14 or 15 years old, might have been older, he was a little boy before the war.
Q You don't know how old he was? A No sir, I don't know how old he was.
Q You say positively that he was in the Cherokee Nation in the month of January, or February, 1867? A Yes sir, he was here, I would not be positive until he married here.
Q He married in the Cherokee Nation? A Yes sir.
Q On Grand River? A Yes sir.

BY MR. DAVENPORT:

Q You never saw him until after Joe Lynch or Joe Buzzard had returned to the Cherokee Nation and was keeping house up there.

A Yes sir.

Q That was after Joe Lynch or Joe Buzzard began living in the neighborhood on Grand River? A Yes sir.

Q What makes you remember it was in January or February, 1867?

A It was a short time after we came in here.

Q How can you tell whether it was January or February or March or April? A It was cold weather.

Q What month and date did Wallace make the Wallace roll? A I forget.

Q What year or month did Kern-Clifton make a roll? A I don't know just when.

WITNESSES EXCUSED.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley.

Subscribed and sworn to before me this 16th day of September, 1905.

Myron White

(SEAL)

Notary Public.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing from a carbon copy of the original thereof, and that the same is true and correct, same being the testimony of Arthur Bean taken at Muskogee, Indian Territory, September 14, 1905, in the Cherokee Freedman enrollment case of Jackson Fields, et al., F R 452.

George H. Lessley

Subscribed and sworn to before me this 18th day of January, 1907.

John E. Tidwell
Notary Public.

DEPARTMENT OF COMMERCE
OFFICE OF THE SECRETARY

FILED

DEC 15 1905

COMMISSIONER

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., DECEMBER 7, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JACOB BEAN ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, J. J. Bulger.

For Cherokee Nation, J. S. Davenport and L. B. Bell.

The records of this office show that on November 23, 1905, the principal applicant and the attorneys for the Cherokee Nation were duly notified that they would be permitted to appear before this office on December 7, 1905, and introduce further testimony in this case as indicated in said letters, at which time the following proceedings were had.

JESSE VANN, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Jesse Vann.
Q Where is your post office? A Chaffee.
Q How old are you? A I couldn't say but for a rough guess I suppose I am about 53 or 54.
Q Are you acquainted with Bertha Bean the applicant in this case?
A Yes sir.
Q Are you acquainted with her mother? A Yes sir.
Q Are you acquainted with her father? A Yes sir.
Q Who is her mother? A My sister Judie Henry.
Q Who is her father? A ~~Yankin~~ Jacob Bean.
Q You say Julia is your sister? A Yes sir.
Q And she is the daughter of who? A Peggie Henry, Indian Peggie or Peggie Lynch.
Q Did you know Indian Peggie? A Yes sir, that was my mother.
Q Was Indian Peggie a slave of a Cherokee at the commencement of the war? A Yes sir.
Q Who was her husband? A Steve Henry or Lynch, belonged to Lynch.
Q Who was her owner at the beginning of the war? A Joe Lynch, the old man's son, I think, was the owner, young Joe Lynch.
Q Did she and her husband belong to the same man? A Yes sir.
Q Did they remain in the Cherokee Nation during the war of the rebellion? A No sir.
Q Where did they go? A To Lynn County, Kansas.
Q Did they return to the Cherokee Nation after the war? A Yes sir.
Q When? A I don't know what year but I know one thing told me by readers there, just what I heard the talk that he come in time, that he was getting ready to come.
Q Did you come back to the Territory with him? A Yes sir.
Q Did Judie come back with them? A Yes sir.
Q And how did you come back to the Territory? A We come by land in wagons.
Q Whose wagon did you come in? A Grap Lynch's wagon and he had a wagon, and we had one Steve Henry, and he helped us to move.
Q How many wagons were in that bunch? A Two wagons.
Q And did your father, Stephen Henry, come with you in that bunch?
A Yes sir.

- Q And you say Crap Lynch went after you? A Yes sir, come and helped us.
- Q Tell what you know about that trip, do you remember anything about it? A I remember about starting out, I don't remember any dates but it was so he was starting out in due time to make it here for home. It was along in the fall and the man he lived there with-----
- Q Who are you talking about? A I am talking about Steve Henry was told by readers there then, neighbors in his neighborhood.
- Q What do you mean by readers? A Men that were taking the papers that read and kept up the business of the country.
- Q Then you were you say in Lynn County, Kansas? A Yes sir.
- Q What town? A Living in the country, near Mound City about six miles.
- Q Yourself, Steve Lynch, and Crap Lynch with two wagons came to the Territory? A Yes sir.
- Q Where did you move to down here? A On Lynch's old farm.
- Q Do you remember what kind of a house? A Yes sir.
- Q What kind of a house? A A little log house, before the war we we lived in it and we moved right back to the same old house.
- Q Was there a porch in front of that house? A No sir.
- Q Fence? A No sir.

BY MR. DAVENPORT:

- Q Jesse what relation did you saw Julie Henry or Bean was to you?
- A She is my sister, half sister.
- Q She is Steve Henry's daughter you say? A Yes sir.
- Q And how old was she when the war broke out? A Now I couldn't really say, she might have been about 4 years old.
- Q I am asking you if you know? A I don't know no certain age.
- Q Is she living? A She is dead.
- Q How long has she been dead? A Well I couldn't say that now.
- Q How old is Bertha? A You have got me stalled, I can't keep no record.
- Q About how old she looks to be? A She is about 17 I reckon, somewheres in that neighborhood, 16 or 17 couldn't say positively.
- Q How old is Bettie Bean? A That is Bertha.
- Q Bertha is the daughter of Judie Henry? A Yes sir.
- Q And you claim she is your sister? A My sister.
- Q How old were you when the war broke out? A I guess I was about 9 or so, I couldn't tell you for certain.
- Q Did you go to Kansas with your sister and her husband? A She didn't have any husband at that time.
- Q Did your father go in the same crowd? A Went to Kansas.
- Q Yes? A Yes sir, he went with his family.
- Q Jacob Bean the father of Bertha? A Yes sir.
- Q Did you see him during the war? A No sir.
- Q When did you first see Jacob Bean? A It was after the war.
- Q Now Jesse you say that Bertha's mother came back to the Territory when you claim you came? A Yes sir.
- Q Have you been enrolled regularly? A No sir, I have been enrolled, what they call enrolled.
- Q Have you been admitted and placed on the roll? A No sir.
- Q Do you know anything about Willie Vann? A I don't know, I have a brother named Bill.
- Q This seems to be a grand son, Bertha's child? A She has got a child but I don't know what its name is.
- Q You don't know what right it might get only through its mother Bertha? A I know Bertha's mother and I know Bertha, but I don't know the name of the child.
- Q You don't know what year you started back to the Territory do you from Kansas? A I can't say.-----

- Q Can you say yes or not, whether you know it was one year or another? A No not positively.
- Q Can you tell me what year we began making the freedman roll? A Said to be in '66.
- Q Can you tell me what year we quit doing the field work in making the freedman roll? A No sir.
- Q Can you tell me what year you came back to the Cherokee Nation from Lynn County, Kansas? A You know my recollection aint good and just what I heard read and said is my knowing.
- Q You were 10 years old or about that when you came back? A Yes sir.
- Q Now what I wish to know, do you remember or do you know anything about it to your own knowledge? A To my knowing all the way we remember anything is just what we were told.
- Q Do you of your own knowledge know what year you came from Kansas to the Cherokee Nation after the close of the war? A To my knowledge I am satisfied to believe what my mind teaches me.
- Q Could you remember the year at that time? A Can remember the time.
- Q Do you remember what year it was? A I couldn't say what year.

ON BEHALF OF THE COMMISSIONER:

- Q Judie Henry was your half sister? A Yes sir.
- Q Same father or same mother? A Same mother.
- Q Was your mother dead when the war broke out? A No sir.
- Q Did she go to Kansas at the time you did? A Yes sir.
- Q Did your half sister Judie ~~come~~ go at the time you did or was she born then? A She wasn't born then.
- Q Was she born during the war? A Yes sir.
- Q Whereabouts? A In Lynn County.
- Q Did your mother come back to the Cherokee nation at the same time you did? A Yes sir.
- Q Did Judie come back at the same time? A Yes sir.
- Q Do you know whether Bertha was ever married? A No sir.

BY MR. DAVENPORT:

- Q Do you know on what farm they lived up there and by what name it went in Lynn County, Kansas? A Yes sir.
- Q What was it? A Addiston and one Emerson.
- Q Didn't they live on Humiston's farm up there? A That is the one we called Emerson.

W I T N E S S E X C U S E D.

ANDERSON LYNCH, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Anderson.
- Q Where do you live? A On Grand River.
- Q What is your post-office address? A Ketchum.
- Q How old are you? A About 69 I guess, somewhere along about there.
- Q Are you a citizen of the Cherokee Nation? A Yes sir.
- Q Are you identified on any roll? A I always have been.
- Q Are you now? A Yes sir.
- Q Were you acquainted with a man by the name of Stephen Lynch and his wife Peggie Lynch during the rebellion? A Yes sir.
- Q When did you first know them? A I knowed them all my life, nearly raised up together. Old man Steve he raised me on Joe Lynch's place.
- Q Did you know Indian Peggie had a wife? A Yes sir.
- Q Were they living together at the commencement of the rebellion? A Yes sir.

- Q Were they both slaves of Joe Lynch? A Yes sir.
- Q Did they go out of the Nation during the rebellion? A Yes sir.
- Q Where did they go, do you know? A I don't know just exactly what year, they were all together.
- Q Where did they go? A Went up to Fort Scott, turned us all loose there and they went up on Big Sugar above Fort Scott.
- Q Did you go up there with them? A Yes sir.
- Q When did you return to the Cherokee Nation? A In '65.
- Q Do you know when Stephen Henry returned? A Yes sir, it was along in the winter of '66, in the fall when he first come down and hired me to go and haul a load down for him. Him and his brother Bill.
- Q Bill who? A Bill Buffington.
- Q Did you go from Indian Territory to Kansas to get a load for them? A Yes sir.
- Q When did you go? A It was along in '66, the year of '66 I went up and hauled a load. He come down in the fall of '66 and I went and hauled a load for him.
- Q What time of the winter, before Christmas? A Yes sir, before Christmas.
- Q About how long did it take you to go from Indian Territory up there? A I was two weeks on the road. I believe I was a week and a half coming back. When I got there,--I didn't go there the time I wasto go there, he had a white man who had one load of his things and he just unloaded it right in my wagon that evening and we started right back the next morning.
- Q Was Peggie his wife with him then? A Yes sir.
- Q When you brought them back and you returned with them where did they live, where did they move to? A There on Lynch's place in a little old house where he alays lived in slave time.
- Q Do you remember what kindof a house that was? A Yes sir, a post oak log house.
- Q Was there a porch on the house? A No sir.
- Q Any fence in front of it? A No sir, a little garden place behind it.
- Q How long did he live in that house? A I disremembered just exactly it wasn't long, he was improving a place he had got from Simon.
- Q Do you know Judie his daughter? A Yes sir.
- Q She was the daughter of Peggie? A Yes sir.
- Q Was she also the daughter of Steve? A Yes sir.
- Q When was she born, do you remember? A Yes sir.
- Q Did she return from Kansas with them? A She was just a baby and there wastwo other girls and two boys, didn't belong to old man Steve, step children, that was Jesse and one they called Bell Vann.
- Q Did this man Buffington come back who you were telling about?
- A Yes sir, I hauled his things.
- Q What Buffington was this, Bill Buffington, was he a half brother of Stephen Lynch? A Yes sir, half brother.
- Q Is he dead now? A Yes sir, both of them are dead and the woman are dead. All but old man Bill Buffington's wife, I think she is living yet, Steve's wife is dead.
- Q Did Bill Buffington have any children? A Yes sir.
- Q Who were they? A One was called Alf and one called Billy, just two children that I remember of.
- Q It has been a good many years ago since 1866, now why do you remember this was in the fall of 1866, that you moved Steve and Bill Buffington down to the Cherokee Nation? A I can't remember just how long it has been.
- Q Why do you remember? A Why he come down in that year and wanted me to go up and move him, that was old Uncle Steve, Bill's brother.

Bill never come at that time. Old man Steve come down horseback and stayed around here a month nearly, him and old man Nathan Tyner. There was a whole herd big herd of them come down and stopped on me, then went down to Mrs. Landrum and stayed there two weeks and then come back up and all fixed up and went to Kansas.

Q And while Steve was here he employed you to help move him down did he? A Yes sir, to haul a load for him.

Q Are you some relation to Steve? A No, sir, no kin. All just together, one man owned us all, all right on one place excepting Steve's brother.

BY MR. DAVENPORT:

Q You go by the name of Anderson Lynch and also by the name of Crap, don't you? A Yes sir.

Q And you were up in Kansas during the war yourself, wasn't you? A Yes sir.

Q Were you ever in a county up there Yates Center was the County Seat of, ever around Neosho Falls? A Yes sir, I was up there.

Q What did you run off from there for? A Never run off.

Q Didn't they indict you up there for something? A Had me for killing a fellow up there.

Q And you skipped out? A No sir, I didn't, stood my trial and come clear.

Q That was in 1866 wasn't it? A No sir, it was time the war was goin'on.

Q I will ask you if you were not in the County that Neosho Falls, Kansas is in in 1866, and the records of the Court doesn't show that you were indicted for a crime there at that time? A No sir, I wasn't there then.

Q Do you deny being in that County in 1866? A No sir, I wasn't there.

Q How many of these freedmen cases have you testified in? A I don't know how many, I don't know how many, I guess;---

Q About how many do you claim to know? A I know pretty near every one all over the Cherokee Nation.

Q I will ask you if every case you testified in in behalf of the freedman, if you haven't sworn positively that they returned in 1866? A Not all of them, some I didn't for sure.

Q But you always swore to the best of your knowledge that they did return in 1866? A Yes sir.

Q And about three fourths of those cases have been rejected and have been approved by the Department? A The reason is the old head was all dead.

Q You swore positively that they returned and the other people swore to the contrary? A I don't understand.

Q You are the same Anderson or Crap Lynch that swore at Vinita that you got a horse to testify for a man? A I didn't have any trouble with any horse.

Q Didn't you testify at Vinita that a man but there gave you a horse to testify in his case? A No sir.

Q You deny it do you? A I don't know anything about that.

Q You have been a regular witness since April 1, 1901, from place to place where this Commission has been sitting to hear testimony in freedmen cases haven't you? A Every one that come to me and I knowed them and about them coming I testified.

Q Now what was the man Buffington named that came back the same time you did? A Bill Buffington.

Q Who did he belong to when the war broke out? A Either Sid Bell or Bill Buffington.

Q Do you know who he belonged to? A He belonged to Bill Buffington as well as I know.

Q Do you know of your own knowledge to whom Bill Buffington belonged at the breaking out of the war of the rebellion? A No sir, I don't exactly know which one but he belonged in the family.

- Q Do you know when or where Bill Buffington went during the war?
A He was at Mayesville and the soldiers took him and dropped him at Fort Scott.
- Q Were you along with him? A No sir, but I saw him afterwards.
- Q You don't know how he got there? A No sir, only what he told me.
- Q Now you say Steve Henry came down to the Cherokee Nation before you claim you went up after him? A Yes sir.
- Q Where was he living when you got up there? A On a creek they called Little Sugar, or something.
- Q You knew they called the Creek something? A I know they called it Big Sugar.
- Q Did Steve have a team of his own? A Yes sir.
- Q How many wagons did you take up to move him down? A Only one.
- Q What size family had Steve? A He had, there was about three children and his wife.
- Q Do you want us to believe that a freedman with his wife and three children and owned a team of his own that quickly after the war would want more than one wagon to move his family down to the Cherokee Nation? A He only had them two wagons, his brother Bill didn't have nothing.
- Q You told me Steve had a team of his own? A Yes sir.
- Q And you have told us you went up there to help him move down to the Cherokee Nation? A Yes sir, and had more, and his brothers things piled up on top of my wagon and there is lots others here knows.
- Q You know as a matter of fact that you never came with him until in the fall of 1867? A No sir, it wasn't in '67.
- Q Now why wasn't it? A I come down in '65 and in '67 Steve was down here then.
- Q What happened in 1867 that makes you know Steve was here? A He made a trade with Simon I think and got a place.
- Q You think that? A Well as well as I know he got a place from Simon.
- Q What took place in 1868 that you know Steve Henry was here?

Mr. Bulger: I object to all this.

On Behalf of the Commissioner: Objection noted.

- Q He lived here on the place.

~~Any more questions?~~

- Q How do you know he was on the place? A In '67 and '68 Steve had made crops there.
- Q Who was on the Lynch place when Steve got here? A Me.
- Q Any one else? A My brother Art and Jesse.
- Q Was any of the Lynch family on the farm, the Cherokee family?
- A No sir, Lone Lynch came up and rented the place to all of us.
- Q Had Steve Henry got there and was living on the place before Lon Lynch got back there? A He wasn't living there.
- Q How far from the Lynch farm was he living? A I couldn't tell just exactly.
- Q Didn't you tell us awhile ago that he moved back in one of the houses which he had moved out of? A It must have been 200 yards.
- Q He was on the Lynch place? A Yes sir.
- Q Had Lon Lynch come back ~~with him~~ when Steve came back? A Yes sir, Lon Lynch had come back and moved down on Flint.
- Q Then Lon had been back to the farm after the war closed when Steve came there? A I never kept track of that but anyhow he come back there and Lon let him have some ground.

- Q Had Lon Lynch returned to the old Joe Lynch farm after the close of the war when Steve Henry came from Kansas to the old Lynch farm? A Steve come before Lon did.
- Q Steve Henry moved his family before Lon came? A He hadn't come with his family then, his family was back up there, he had been down and got me to haul a load for him.
- Q Then how long before his family came or was moved to the Cherokee Nation was it you claimed that Steve Henry came down to get you to assist him in moving? A It was in that same year.
- Q I know there are 12 months in a year, how long before that? A It couldn't have been over a month or two.
- Q How long after Steve went back home until you started up there to move him? A It was along in the fall, nearly Christmas when I got back with him from Kansas.
- Q Was it a month or a week after Steve went back to Kansas before you went up to help move him down? A I disremember how long it has been, it must have been 3 or 4 weeks as near as I can come at it.
- Q Steve wasn't in much of a hurry about moving down was he? A He was done loaded, gone and had hired another man.
- Q And the other man gave up the job and you brought him down? A Yes sir.

BY MR. BELL:

- Q What is that man's name that you unloaded? A I don't know sir didn't get acquainted with him.
- Q Steve hadn't moved off the place had he? A The wagons were loaded and started for toward Mound City.

ON BEHALF OF THE COMMISSIONER:

- Q What was the name of your owner? A Joe Lynch.
- Q Was he also the owner of Steve Lynch? A Yes sir.
- Q Was he the owner of Peggie Lynch? A Yes sir.
- Q Peggie Lynch the mother of Judie Lynch? A Yes sir.
- Q Was Joe Lynch a Cherokee by blood? A Yes sir.
- Q Recognized as such? A Yes sir.

BY MR. BULGER:

- Q Now about this horse that Mr. Davenport spoke to you about, were you ever accused by this Commission for getting a horse for testifying? A No sir, never was.
- Q Why is it that you remember, was there something happened in 1866 that caused you to remember the year better than 1868 or '69? A That was the year all of them were trying to get home, the time would be up that time.
- Q Then you say Steve made two trips? A Yes sir.
- Q When did he come down the first time? A That was in the fall of '66, time he come down horse back.
- Q Then he went back and you moved him down later? A Yes sir, along in the winter like near about Christmas when we got back.

ON BEHALF OF THE COMMISSIONER:

- Q When did you return to the Cherokee Nation? A '65.
- Q What season of the year? A It was along in the winter, I couldn't tell just exactly.
- Q Had you made a crop before you went up and moved down Steve Lynch? A Yes sir.

BY MR. BELL:

- Q Did you ever testify here before in Steve Henry's case or Will Vann, or any of Steve Henry's children? A Yes sir, I think I testified for Bill.

- Q And the other one, what is her name? A Yes sir, Jesse, I testified for the old folks, the father and the mother of these children.
- Q You testified in Bill Vann's and Jesse Vann's cases in their application before this Commission? A Yes sir.
- Q Were you telling the truth then? A Yes sir.

W I T N E S S E X C U S E D.

NELLIE FRYE, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Nellie Frye.
- Q Where do you live? A On Grand River.
- Q What is your post office address? A Ketchum.
- Q Are you a citizen of the Cherokee Nation? A Yes sir.
- Q Are you enrolled as a citizen of the Cherokee Nation? A Yes sir.
- Q Are you acquainted identified on the 1880 roll? A Yes sir.
- Q Were you a slave of a Cherokee citizen at the commencement of the war? A Yes sir.
- Q Did you go out of the Cherokee Nation during the war? A Yes sir.
- Q When did you return? A In '66.
- Q What time of the year? A In the fall of the year, in October.
- Q Are you acquainted with Stephen Henry and his wife, Indian Peggie? A Yes sir.
- Q Before the war? A Yes sir.
- Q Do you know when they returned to the Indian Territory after the war? A No sir, I seen Steve come to our house in the fall of '66 horse back, him and Rex Adams, when we were living on the Thompson place.
- Q What is that, Dr. Thompson place? A Yes sir.
- Q Big brick house? A Yes sir.
- Q Then when did you see Steve again? A Not any more until along in the winter just before Christmas. When Martha Lynch died they sent up there before she died for me to come down, and Peggie Lynch, not Indian Peggie sent for me to come down to see Martha and she died that night after we got there, and Indian Peggie, and Edie, Simon's wife, and myself dressed her, and that is the first time I seen her after she got back.
- Q What year? A In '66, it was.
- Q Do you know where Indian Peggie was living at that time? A In that old log house right side of the road what Steve lived in before the war.
- Q Did you see Steve there then? A Yes sir.
- Q Were you acquainted with Judie, her daughter? A Yes sir.
- Q Is she alive now? A No sir.
- Q Are you acquainted with Bertha? A Yes sir.
- Q Who is Bertha? A She is Judie's daughter.
- Q Who is Bertha's father, do you know? A Jake Bean.
- Q Where were you living when you went down to this place where Martha died? A Living on Br. Thompson's place in Delaware District, Wyman Thompson owns the place now.
- Q Whose house was Martha living in when she died? A With her mother, Aunt Peggie, her mother was named Peggie too.
- Q Were there any men living there? A Yes sir, Crap and Art both lived there, and Tobe, her brother.
- Q Any one else? A No one else only Steve.
- Q Steve who? A Steve Lynch, he lived on the same place but not in the same house.
- Q That is when Martha died? A Yes sir.

- Q Did Simon Lynch live around there any place? A Yes sir, down on the river from there in a log house, northeast of there, Simon and his wife they first lived, when we moved down here, Simon lived on what we called the Dirteater place, we found Simon living there when we moved down here and he moved from there close to the Lynch place.
- Q What was that place called where Simon moved to? A Down on the old Lynch place there, Joe Lynch's old place is where he was living in a little old log house, I don't know whether it was the house Pigeon lived in or not.
- Q Did any one else live in that Dr. Thompson house when you did? A Yes sir, Andy Frye, Tobe Schrimsher, Mose Hardrick and Jesse Lyons, and Uncle Tom and Uncle Butler lived in the same building but they lived up stairs, we had these rooms below and Uncle Tom and Butler McNair lived up stairs.
- Q You say Mose Hardrick lived in that Dr. Thompson house? A Yes sir.
- Q What year was this? A That was in '67 we all farmed there.
- Q What time of the year did you move into the house? A In the fall of '66.
- Q What time of the year did Mose Hardrick move in? A In the winter.
- Q What time of the year did Jesse Lyons move in? A I believe it was in February in '67 he moved over there from Cabin Creek.
- Q Who is Andy Frye, your husband? A Yes sir.
- Q What time did Tom Moore move into that place?

Mr. Davenport: She hasn't said anything about him, I object to that.

ON BEHALF OF THE COMMISSIONER:

- Q You say that Stephen Lynch when he first moved down from Kansas moved to the Dirteater place? A No sir.
- Q Which is the first place he moved to? A I don't know which is the first place but the first time I seen him, him and Rex come there and stayed all night.
- Q I am speaking when he moved his family too? A I don't know, when I seen Steve Lynch and his family they were living on the Lynch place.

BY MR. DAVENPORT:

- Q Didn't you swear in the case of one of the Curry children that were applicants that Charlotte Curry died and was buried on the side of Grand River with small pox? A Not as I know of.
- Q You testified in the case of one of the Curry or Adairs, didn't you testify in one of those cases? A No sir, not as I know of.
- Q Didn't you testify in the case where some of the colored people were applicants here for citizenship, where they were known as Curry or Adair or Martha Harris case before the Commission? A I don't know Martha Harris.
- Q Have you ever been before this Commission before and testified for anybody excepting in your own family's applications? A I think I have.
- Q You must remember if you have ever testified, answer yes or no? A I don't know.
- Q You know whether or not you testified in any of those cases, don't you? A Why John and Charlotte, I don't know where they lived in Kansas.
- Q We aint asking you about Kansas at all, the question is this, didn't you testify in the hearing had before this present Commission in support of an application of either one of the Curries, or Adairs, or Harris that Charlotte Curry that Charlotte Curry, the mother of the children you were testifying for died on this side of Grand River with the small pox? A Charlotte died with the small pox on Grand River.

- Q Charlotte who? A Charlotte Varkham.
Q Did you swear that she died with the small pox about 1882 and was buried there? A I don't remember it.
Q Would it be the truth if you swore it? A If I swore it, I don't know nothing about it, if I swore anything, if I make a mistake it is through ignorance.
Q Do you recollect whether you made a statement of that kind?
A No sir.
Q You have no recollection then of ever having made any such statement? A No sir, I don't.
Q How do you recollect these other things to? A Because I have this other record at home.
Q You had the other on record didn't you? A I had this on record at home.
Q You have been in bad health haven't you? A Yes sir, I am in bad health.
Q Your memory is not as good as it used to be? A No sir, I am in bad health now.
Q Haven't you been summoned and notified to or three times to come down here and wasn't able to come? A Yes sir, I was notified, and am sick now didn't think I would be able to come here.

BY MR. BULGER:

- Q Why did you come down this time? A Well I come down to get some medicine, and I said if I was able after I got to town, and I said if I was able to I would testify, and I got to town this morning and I said I would testify for them.

WITNESS EXCUSED.

SIMON LYNCH, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Simon Lynch.
Q Where do you live? A On Grand River.
Q What is your post office? A Spavinaw.
Q Are you a citizen of the Cherokee Nation? A Yes sir, I guess so.
Q Were you a slave of a Cherokee citizen at the commencement of the war? A Yes sir.
Q To whom did you belong at the beginning of the war? A Joe Lynch.
Q Was Joe Lynch a Cherokee citizen? A Yes sir.
Q Did you go out of the Nation during the war? A Yes sir.
Q Where did you go? A To Kansas.
Q What place in Kansas? A Neosho Falls.
Q Did you return to the Cherokee Nation after the war? A Yes sir.
Q What year? A In February '66, the spring of '66.
Q To what place did you come? A Up on Cabin Creek.
Q How long did you stay at Cabin Creek? A About two months.
Q Then where did you go? A Over to the Military road there at the old Simmons spring.
Q Do you remember Jesse Cochran? A Yes sir.
Q Where were you living when the Treaty was made in 1866? A Right there on that road.
Q How did you learn the Treaty was made? A Mr. McDaniel and Mr. Ross come by there and told me they were going down to the Creek to eat dinner and for me to come down there and see them.
Q Did you move away from this place? A Yes sir.
Q Where did you move to? A Over on the Joe Dirteater place.
Q How long did you live there? A A couple of months.
Q Do you remember when Jesse Cochran was killed? A Yes sir, I am the first man that laid hands on him after he was killed.

- Q How long after that? A About two or three weeks.
- Q That you moved away from the Dirteater place? A Yes sir.
- Q Where? A Over on our own place.
- Q Did you know Steve Henry before the war? A Yes sir.
- Q Did you know Indian Peggie his wife? A Yes sir.
- Q Are you acquainted with Judie Lynch, his daughter? A Yes sir.
- Q Are you acquainted with Bertha, Judie's daughter? A Yes sir.
- Q When did you see Stephen Henry the first time after the war?
- A In the fall of '66, looked him out a location and I sold him a place I bought from a Cherokee.
- Q Did he have his family with him then? A No sir.
- Q Do you know when he moved his family down? A He moved them down, Crap and another fellow moved him down shortly afterwards.
- Q Where did he move, this place he bought from you? A No sir.
- Q Where? A The old Lynch place until he got his house fixed on his own place.
- Q About when was this he moved to your place, to this old Lynch place? A It was in the winter just before Christmas.
- Q How long did he live on the old Lynch place? A He didn't live there very long until he he fixed him up a house on his own place, don't know just how long it was, it was a short time.
- Q Do you remember what kind of a house this Lynch house was? A A log house.
- Q Any porch on it? A No sir.
- Q Any fence in front of it? A No sir.
- Q Was there anything happened that winter that caused you to more distinctly remember Peggie Lynch and Steve Henry? A No sir, nothing didn't happen and I knowed them well, we were all there together before the war and they come down there after the war and I just lived one mile from there.
- Q What caused you to remember this was 1866? A I don't know sir, it was in the same year----
- Q The same year what? A The same year that I come here.
- Q How long had you been living on the Dirteater place when he moved in there? A Just about two or three weeks.
- Q Was Steve in the country then? A No sir, not until I moved away from there.
- Q Where were you living when Steve came? A Over there on the old Lynch place in the same cabin what I moved out of.
- Q Did Steve have any children with him at that time? A Yes sir.
- Q Who were they? A Jesse and Bill and Judie I believe. I don't recollect the names right good, forgot them, had some though I knowed Jesse and them, they were his step children, had them before the war.
- Q You say you sold Steve a farm? A Yes sir.
- Q Was there a house on the place? A A little old cabin on it.
- Q Which way was that from where you lived? A Right west.
- Q Was it close to Lynch's place? A No sir, down below it about two and a half miles.

BY MR. DAVENPORT:

- Q Who built the house on that place? A A Cherokee man.
- Q What was his name? A Hurley was his name.
- Q You bought the place and sold it and went back on the Lynch place? A I wasn't living on that place, I never did live on it, I just bought it.
- Q About how large of a farm was it? A None hardly, just a little patch.
- Q When did you first think about the fact that you sold Steve Henry that in 1866? A I didn't say I sold him a farm, just a place.
- Q What was it? A Just a house and a little patch.

- Q He wanted to buy that farm there on the old place? A No sir, didn't have no right to the old place.
- Q You didn't either? A No sir.
- Q You had bought a place without any house on it? A Just a little old cabin and I had a better one up there to where I stayed.
- Q When did you first think in this case or any other that you bought a house from Hurley who died 25 years ago? A I believe every old citizen up there knows I bought that house.
- Q Tell me a white man or Indian that knows? A Why wouldn't a black man do.
- Q Well a black man will do? A I can produce you a colored man right here, Crap and Tobe Bean.
- Q Now give me two Indians and two white men ~~if~~ that know it? A I can't give the Indians, that old man is dead.
- Q You know there were Indians living there in 1866? A Yes sir, but they are dead.
- Q You have out lived them all? A Well I did, I happened to do it, I can't help it. Spring Frog lived there and old man Hurley lived there and Rider Felling.
- Q How did it happen if all those Indians lived there that Steve Henry didn't get on the 1880 Roll? A I don't know that.
- Q Because he wasn't there was he? A I don't know.
- Q What year was the Kern-Clifton roll made? A I don't know.
- Q What year was the Wallace roll made? A I don't know what year it was in at all, I can't keep record of the times.
- Q How do you know what year that Steve Henry came down there? A Because I had come in the spring and he come in the winter.
- Q Do you know where he was in Kansas? A Yes sir, I do.
- Q Didn't you come to Vinita when Wallace was making a roll? A I don't know what year that was.
- Q You seem to keep very accurate time on 1866 don't you? A Yes sir, I know ~~when Christmas~~ one Christmas from another.
- Q What year is this? A It is '95.
- Q What year did we begin making the freedmen roll? A Well you know I don't know nothing about that.
- Q Didn't you apply for enrollment? A Yes sir, and I got it.
- Q What year did you apply to this Commission to be enrolled as a ~~free~~ Cherokee Freedman? A I don't know.
- Q How many years ago? A I don't know.
- Q Do you know whether you applied in the Cherokee nation or in the Creek nation? A I applied in the Cherokee nation up there at Vinita.
- Q And you can not tell what year it was? A No sir, I don't know.
- Q Joe Lynch owned two women, the man that you belonged to, Big Peggie and Indian Peggie? A Yes sir.
- Q In 1867 did Big Peggie's daughter die in the winter? A Yes sir.
- Q Didn't she have a daughter named Martha? A She died just a few days before Christmas in '66, Martha had the consumption.

BY MR. BILGER:

- Q You say you bought this place of Hurley? A Yes sir.
- Q Did he give you a bill of sale for the place? A No sir.
- Q No written agreement between you? A No sir, I just give him a rifle gun and he give me the place.
- Q Did you have any witnesses to the sale? A No sir.
- Q Now you sold this place to Steve Henry? A Yes sir.
- Q What did he give you for the place? A \$12.00 in gold for it.
- Q Why is it you remember the year '66 better than the year 1901 or 1894? A I don't know but I recollect it.
- Q You remember about Jesse Cochran being killed? A Yes sir.
- Q Was it the same year that he was killed that Steve came down there? A Yes sir.

- Q Was it before Christmas the same year Martha died? A Yes sir, just
just a few days before Christmas.
- Q How do you remember those things? A I can't tell you just
exactly how but I helped bur her myself.
- Q And you moved from the Kepl place after the first of November.
What place did you live on over there on the Military road? A On
the old Simmons place.
- Q When did you leave that place? A I stayed there about a month
I guess.
- Q How long after Jesse Cochran was killed that you lived on that
place? A I don't know just how long it was.
- Q Then you mov ed from there to the Dirteater place? A Yes sir.
- Q How long did you stay there? A I can't tell you just how
long it was, but it wasn't long.
- Q A week or two? A Two or three weeks.
- Q Then moved down to the other place? A M'oved over on my own place.
- Q Did you go there before Christmas 1866a? A Yes sir.
- Q Did Martha die after or before you got there A After I got
there.
- Q How long after you got there? A I don't know sir how long it
was.
- Q And year? A I don't know.
- Q And month? A A week or two I think she was sick all the time.

BY MR. DAVENPORT:

- Q What year do you say that old man Jesse Cochran was killed?
- A In '66.
- Q What time of the year? A It was in the summer or fall.
- Q You know he was alive when the famous Horse Creek fight took
place don't you? A Yes sir, I do.
- Q And you know he was alive for a year afterwards? A I don't
know just what time it was he was killed.
- Q You have fixed your recollection of 1866 about Martha dying, that
is what you fix that by, about being down there on Christmas of
1866, that one thing makes you remember? A Yes sir.
- Q You knew Arthur Bean didn't you? A Yes sir.
- Q Now tell me what year he died? A He wasn't dead yesterday, that
is all I can tell you.
- Q Did you know Art Williams? A Yes sir.
- Q What year did he die? A The year they had the payment out here
at Wayden.
- Q What year? A I don't know, I don't keep record of these times.
- Q You kept record of 1866? A A man can keep record of something.
- Q He died the time of the payment at wayden? A Yes sir, I fetched
him from the payment a corpse myself.
- Q You hauled him from Lightning Creek and can't tell what year that
was? A No sir.

ON BEHALF OF THE COMMISSIONER:

- Q Is Stephen Henry and Stephen Lynch the same person? A Yes sir.
- Q And his wife was named Peppie? A Yes sir.
- Q And they had a child named Judie? A Yes sir.
- Q Do you know whether Judie was born before or after the war? A She
was born after the war.
- Q Are you sure she wasn't born before the war? A I think she was
born before the war, my best knowledge.

BY MR. DAVENPORT:

- Q How many freedmen cases have you testified in? A I don't know.
- Q Were you ever in Tahlequah District? A Yes sir.
- Q You were convicted of larceny down there and served your sen-
tence didn't you? A Yes sir.

BY MR. BULGER:

- Q Were you convicted of larceny or accused of it? A Accused of it.
Q Did they convict you? A Yes sir.
Q Did they whip you? A No sir.
Q Sent you to the penitentiary? A No sir.
Q Do you know what it is to be convicted, the meaning of being convicted? A I guess so.
Q Did they try you and find you guilty? A I guess they did. Here is one question I want to ask, if a man is guilty and convicted and is allowed to vote every time at the polls, what would that mean, by the same party?

W I T N E S S E X C U S E D.

EDIE LYNCH, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Edie Lynch.
Q Where do you live? A I live on Grand River.
Q What is your post office? A Spavinaw.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Are you enrolled as such? A Yes sir.
Q Were you the slave of a Cherokee citizen before the war? A Yes sir.
Q To whom did you belong? A Joe Lynch.
Q Are you married? A Yes sir.
Q What is your husband's name? A Simon Lynch, it was him in here awhile ago.
Q Did you return to the Cherokee Nation after the war? A Yes sir.
Q What year? A I don't know sir, what year, I can't keep no remembrance of the year because I aint give no attention and I Can't keep no remembrance of it at all. We never had the chance to get no education at all.
Q Where did you move to when you first came back to the Cherokee Nation after the war? A Over on the river there on the Dirteater place and I moved across the river on this side in a log house.
Q Did you know Steve Henry or Steve Lynch before the war? A Yes sir, I knowed him before the war.
Q Did you know his wife? A Yes sir.
Q What was her name? A Peggie.
Q Did she have any other name besides Peggie? A Always called her Indian Peggie.
Q Did you know Judie Lynch? A Yes sir.
Q Was she Indian Peggie's daughter? A Yes sir.
Q Do you know Bertha Lynch? A Yes sir.
Q Who is Bertha Lynch? A That is Jake Bean's daughter.
Q Is she any relation to Judie Lynch? A That is Judie's daughter.
Q Did you see Steve Lynch and Indian Peggie after the war? A Yes sir.
Q When was the first time? A I don't know the first time, but I seen them after the war. No use talking to me about the years I sure can't tell you about the years.
Q Do you remember about Jesse Cochran being killed? A Yes sir.
Q Did you see Steve Lynch that same year? A Yes sir.
Q Where did you see him? A On this side of the river.
Q Which side of the river is that, the west side or the east side?
A The south side on the other side from here.
Q On the same side that Spavinaw is on now? A Yes sir.
Q Do you remember about Martha Lynch dying? A Yes sir, I helped wash her and dress her.
Q Do you remember what time of the year that was? A No sir, I don't.
Q Was it summer? A No sir, it wasn't summer.

Q Was it spring? A It was in the winter I think.
Q Who helped you? A Nellie Frye here.
Q Anybody else? A I don't know of any one else that helped me.
Q Did Steve Lynch and Indian Peggie live in that neighborhood then?
A Yes sir, lived in a log house. If I had education like you all,
I could set down all this in a book and it would not be forgotten.

BY MR. DAVENPORT:

Q You don't know what year it was, do you? A No sir.

W I T N E S S E X C U S E D.

TOBIAS BEAN, being first duly sworn, testified as follows:

BY MR. BULGER:

Q What is your name? A Tobias Bean.
Q Where do you live? A In Delaware District on Grand River.
Q What is your post office? A Ketchum.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you the slave of a Cherokee at the commencement of the rebellion? A Yes sir.
Q Who was your owner? A Bill Penn Adair.
Q Did you know Stephen Henry before the war? A Yes sir.
Q Did you know to whom he belonged? A Yes sir.
Q Who was his owner? A Joe Lynch.
Q Did you know his wife? A Yes sir.
Q Who was his wife? A Her name was Peggie.
Q Did you know his daughter, Julia Bean? A Yes sir.
Q Did you know her daughter, Bertha? A Yes sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q When did you return? A '66.
Q When did you first see Stephen Henry after your return? A In the winter of '66 sometime close to Christmas, I don't exactly what time it was.
Q Did he have any family with him then? A Yes sir, he moved down when I first seed him.
Q What makes you remember this as 1866, why do you remember it to be 1866, anything particular that happened at that time? A Yes sir, I got shot in the arm at that time.

BY MR. DAVENPORT:

Q What were you doing when you got shot? A Returning home here from Kansas.

BY MR. BULGER:

Q Did you see Steve Henry before your arm got well? A Yes sir, it was pretty near well when I saw him.
Q Where did you live at that time? A Close to Island Ford on Grand River.
Q Which side of the river? A They call it the east side now.
Q Do you remember when Steve Henry moved into that country?
A Along just before Christmas.
Q Do you remember how he came in? A Crap moved him, helped move him. Anderson Lynch did.
Q Why do you remember it was just before Christmas? A Everybody remembers just before Christmas.

BY MR. DAVENPORT:

Q That is all that makes you remember it was 1866 is because it was just before Christmas? A Yes sir, because my arm wasn't right well yet.

- Q Where were you getting your supplies and feed from when you saw him then? A I don't know where we were getting them, around in the neighborhood.
- Q Did anybody make any crops in that neighborhood? A Yes sir, Several people, Crap had made a crop.
- Q Did you know Crap had made a crop that year? A Yes sir.
- Q Where? A '66 up on Cabin Creek.
- Q On whose place? A I don't know, I helped him gather his corn.
- Q Then he had moved to the Joe Lynch place in the meantime? A No sir, he moved to what was called the old Charley Landrum place.
- Q Now you say you got wounded in 1866? A Yes sir.
- Q Did Crap gather corn after Christmas? A No sir.
- Q Were you wounded then? A Yes sir.
- Q Helped gather corn with one sore arm? A Yes sir.
- Q Now if you had thought of that awhile ago that you had been shot in the arm you would not have stated that you helped Crap gather corn? A Yes sir.

BY MR. BELL:

- Q You got shot in the Horse Creek fight? A Yes sir.
- Q Then you were down here about three weeks went on down to Spring Creek? A Yes sir.
- Q Stayed there awhile? A Yes sir.
- Q Come up here and stayed awhile? A Yes sir.
- Q Then went on back to Kansas? A Yes sir.
- Q Then you got around and come back? A Yes sir.
- Q How long did it take you to get back to your place after up where you lived in Kansas? A Could go it in four days.
- Q Did you go it in four days? A I don't know.
- Q After you got there how long did it take you to get ready to start back? A 4 or 5 weeks I guess.
- Q Then you moved back? A Yes sir.

BY MR. BULGER:

- Q When you were wounded in that Horse Creek fight was the bone in your arm broken? A No sir.
- Q Just a flesh wound? A Yes sir.
- Q Did the wound heal rapidly? A Yes sir.
- Q When did you move your family down to be? A In the winter of '66, in the latter part of the fall sometime.
- Q When did you help Crap Lynch shuck corn? A Just before I went back to Kansas to get my family. I wasn't much force just snapped it off.
- Q Were you carrying your arm in a sling? A Yes sir, I wasn't making a hand, just going along.

BY MR. DAVENPORT:

- Q You didn't think about that awhile ago did you? A Yes sir.
- Q You didn't tell it awhile ago? A Well no sir, but I remember it though.
- Q You don't know what year it was do you to be that you saw this man down here? A Yes sir.
- Q What year was the Wallace roll made? A I ain't keeping no count of that like I do '66.
- Q What year was the Kern-Clifton roll made? A I don't know what year it was.
- Q What year did we begin making the freedman roll? A I ain't been keeping no count of that.
- Q What year did you apply to the Daves Commission for enrollment as a freedman? A It must have been '84 or '94 somewhere along there.

BY MR. BULGER:

- Q You say in 1866 this Horse Creek fight occurred? A Yes sir.
Q Where did you go? A I went on to Spring Creek.
Q How long did you remain down around Spring Creek? A Just about a week I guess.
Q Then where did you go? A Back up to Cabin Creek.
Q How long did you remain there? A Two or three days.
Q Then where did you go? A Back to Kansas.
Q Did you come back to the Cherokee nation any more? A Yes sir, that same winter.
Q When did you move back? A Three or four weeks before Christmas I guess.

ON BEHALF OF THE COMMISSIONER:

- Q Was the time you were in the Horse Creek fight the first time you came to the Nation? A Yes sir.

BY MR. BELL:

- Q When did you help Crap gather that corn? A In the fall of '66.
Q When, after you went to Kansas and back, or before? A Before I went to Kansas.
Q Before you went back to move? A Yes sir.

BY MR. BULGER:

- Q Where was Crap's corn at? A Some of it was about a mile and a half below Vinita.

BY MR. BELL:

- Q You don't know where that crop was? A It was somewhere there about a mile and a half below where Vinita now is.

W I T N E S S E X C U S E D.

SARAH MORGAN, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Sarah Morgan.
Q Where do you live? A Five miles the other side of Grove.
Q Cherokee Nation? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Citizen of the Cherokee Nation by blood? A Yes sir.
Q How old are you? A I am 69 years old.
Q Were you a resident of the Cherokee Nation prior to the war of the rebellion? A Yes sir.
Q Did you remain in the Cherokee nation during the rebellion? A No sir we went north.
Q Did you return to the Cherokee Nation after the war? A I returned the same year peace was made.
Q Where did you return to? A Up here on what they call Timber Hill, five miles this side of Chetopa, Kansas.
Q Did you remain there? A We come on the next spring, and my brother moved to what they call the Lynch Mills on Spavinaw.
Q What was your brother's name? A Ellis Blythe.
Q What was your name then? A B lythe.
Q What time did you move down to the Lynch Mill? A We all went the same time.
Q The fall of 1866? A Yes sir.
Q How long did you live around the country there? A Going on three years.
Q Where was that Lynch Mill, where was they located? A On Spavinaw there at the old saw place.

- Q On Spavinaw Creek? A Yes sir.
Q Close to where it empties into Grand River? A I don't know how far it is from Grand River.
Q What business was your brother engaged in? A He kept store there.
Q Who runned the mill? A A man named Strout, George Strout run the mill.
Q Were you at this place while you were living there, did you become acquainted with a man named Stephen Henry? A Well I am not personally acquainted with him at all.
Q Who lived around that neighborhood that you knew at that time, name over some of the persons? A I don't know very many that lived in there, Downing, some of these darkies that lived in there, and Rogers.
Q Who was some of the darkies? A This Celia.
Q Celia who? A I forget her name.
Q What other freedmen lived in there? A They all lived in there.
Q Did you know Stephen Lynch? A Yes sir.
Q Did you know a woman named Peggie Lynch? A No sir, I don't believe I do.
Q Indian Peggie? A There was so many come there and trade, of course we didn't live hardly a quarter from the store house.
Q Did you ever know a family down there named Steve Lynch, his family? A I have heard of them but then I wasn't acquainted with them.
Q When did you hear of them first? A When we were living down there.
Q When you first went there or before you moved away? A Before we moved away.

W I T N E S S E X C U S E D.

ELIZA TUCKER, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Eliza Tucker.
Q Where do you live, what is your post office? A Vinita.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Are you identified upon any roll as such? A Yes sir, I am enrolled as a citizen.
Q Were you the slave of a Cherokee before the war? A Yes sir.
Q To whom did you belong? A George Ratliff.
Q Did you leave the Cherokee Nation during the war? A No sir.
Q What part of the Nation did you reside in during the war? A Up there on Barron Fork, up about Peavine Court house.
Q Did you ever know a Cherokee freedman by the name of Stephen Henry or Stephen Lynch? A Not until I moved up on Grand River.
Q When did you move up there? A The fall of '67.
Q In the fall of 1867? A Yes sir.
Q Where was he living when you moved up there on Grand River? A On Lynch Prairie near Island Ford.
Q What kind of a house? A In a log house.
Q A new one or old one? A ~~XXXXXXXXXX~~ An old one.
Q Did you know his wife? A Aunt Peggie.
Q Yes, Indian Peggie? A Yes sir, his wife was named Peggie.
Q Are you acquainted with Judie Lynch, his daughter? A Yes sir.
Q Acquainted with Bertha Bean, his grand daughter? A Yes sir.

BY MR. DAVENPORT:

- Q You don't know anything about them until the fall of 1867 did you Eliza? A No sir.

W I T N E S S E X C U S E D.

JAKE BEAN, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Jake Bean.
Q Are you an applicant for enrollment as a Cherokee freedman?
A Yes sir.
Q Were you the slave of a Cherokee citizen at the commencement of the war of the rebellion? A Yes sir.
Q Who was your owner? A Old man Washington Adair.
Q About how old were you at the commencement of the war? A I don't know, I was quite a boy.
Q Did you remain in the Nation during the war? A Yes sir.
Q Where did you go? A I went to Kansas.
Q When did you return to the Cherokee Nation? A In the fall of '66.
Q Were you married during the war? A No sir.
Q When were you married? A I married after the war, after I come back.
Q Who did you marry? A My first wife was Uncle Simon Lynch's daughter, Haley Lynch.
Q Did you ever marry Judie Lynch? A Yes sir.
Q When were you and Judie married? A I don't know the dates, of course I don't remember.
Q Who was Judie's father? A Uncle Steve Lynch.
Q Who was her mother? A Aunt Peggie Lynch.
Q When did you first see Steve and Peggie after the war of the rebellion? A I don't know when it was, somewhere along in '66.
Q Where did you see them? A Across Grand River there, over toward the Lynch place.
Q Did you live close in the neighborhood there? A Yes sir.
Q About what time of the year of 1866 did you see those people over there? A It was in the fall of the year, somewhere along the latter part of the fall.
Q Are you acquainted with Willie Vann? A Yes sir.
Q Who is Willie Vann? A My grand son, Bertha Bean's child.
Q Who is his father? A Sam Van, I think, just got her word for it.
Q Who is his mother? A Bertha.

BY MR. DAVENPORT:

- Q Who is Sam Vann? A He is a Cherokee citizen.
Q They never were married were they? A No sir.
Q Never lived together as man and wife did they? A No sir.
Q Never held themselves out to the public as man and wife? A No sir.
Q Bertha never has been married to any one? A No sir.
Q Illegitimate child or some one and she, did some one tell you Sam was its father? A She told me herself.
Q She has the child with her? A Yes sir.
Q Now you don't remember anything about positive whether it was 1866 you saw Stephen Henry or not? A Yes, I do.
Q What makes you know it was 1866? A Cause I come down here in '66.
Q Are you regular enrolled as a Cherokee citizen? A No sir, I guess I aint.
Q Can you tell me what time the Wallace roll was made? A No sir.
Q Can you tell me what time the Kern-Clifton roll was made? A No sir.

ON BEHALF OF THE COMMISSIONER:

- Q What is the name of Sam Vann's father? A Uncle Rufus Vann.
Q Is he living? A No sir, he is dead.
Q What is the name of Sam's mother? A Lucy.

- Q Is she living? A Yes sir.
Q Has Sam got any brothers? A No sir, not living.
Q Got any sisters living? A Yes sir.
Q What are their names? A Ibbie, Lou and Phillis.
Q What is Phillis' name now? A Phillis Bean.
Q What is the other names? A Lou Bean and Ibbie Lynch.
Q Is Sam Vann married? A Yes sir.
Q What is his wife's name? A Rachel.
Q Is she a citizen? A Yes sir, claim to be a citizen.
Q Doubtful? A Yes sir.
Q What is the name of her father and mother? A Will Martin and Needy Martin.
Q How long has Sam Vann been married? A I don't know, several years.
Q Was he married to his present wife, Rachel, when Willie Vann was born? A Yes sir.
Q Is your daughter Bertha here? A No sir, she is not here, she is sick.
Q Is there any one else here who knows about the father of that child Willie? A Yes, there are several that knows.
Q Is Sam Vann here? A No sir.
Q Is anybody else here present in town today? A Yes sir, some of these folks that come down, Mrs. Frye, and Andy Frye and Tobe Bean.
Q Does he know about who is the father of Willie? A He has heard about it, just like I have.

W I T N E S S E X C U S E D.

TOBE BEAN RECALLED:

ON BEHALF OF THE COMMISSIONER:

- Q Your name is Tobe Bean? A Yes sir.
Q You have just testified a few minutes ago in this case? A Yes sir.
Q You know Bertha Bean? A Yes sir.
~~XXXXXXXXXX~~
Q Is she your brother's daughter? A Yes sir.
Q Has she got a child? A Yes sir.
Q Do you know the child's name? A They call it Willie.
Q Do you know who is supposed to be the father of that child? A No sir, I don't, some say it is Sam Vann.
Q Did you ever hear that it was any one else's child? A No sir.

W I T N E S S E X C U S E D.

This case was here continued until December 8, 1905.

In pursuance of continuance heretofore had this case was called for further hearing on this December 8, 1905.

ANDY FRYE, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Andy Frye.
Q Where do you live? A About 13 miles southeast of Vinita.
Q What is your post office? A Ketchum.
Q How old are you? A 72.
Q Are you acquainted with Bertha Bean, applicant in this case?
A Yes sir, I am acquainted with her.

- Q Are you acquainted with her father? A Yes sir.
- Q What is his name? A Jake Bean.
- Q Were you acquainted with her mother? A Yes sir.
- Q What is her name? A Judie.
- Q Were you acquainted with Judie's parents? A Yes sir.
- Q Who were they? A Steve Henry they called him and Peggie was her mother.
- Q Were you the slave of a Cherokee citizen at the commencement of the war of the rebellion? A Yes sir.
- Q Did you remain in the Nation during the war? A No sir.
- Q Where did you go during the war? A Up about twelve miles south of Lawrence, Kansas.
- Q Did you return to the Cherokee Nation after the war? A Yes sir.
- Q When? A In October, '66.
- Q What place did you return to? A I stopped over on the east side of the river on Dr. Thompson place.
- Q Where is Dr. Thompson's place? A Well it is up on Grand River about a mile and a half or two miles south of Ketchum on the east side of the river.
- Q Did you see Steve Henry or Lynch after the war of the rebellion?
- A Yes sir.
- Q When did you first see him? A Well it was in the neighborhood I think long about the last of October, he was at my place where I was living.
- Q At this Dr. Thompson place? A Yes sir.
- Q Who was living with you at this Dr. Thompson place at that time?
- A Aaron Martin, Mose Hardrick, Jeff Lyon, Tom Moore, Butler McNair, Tobe Schrimsher, and Peter Williams and his family.
- Q How long did you remain in that place? A I think I stayed there until February, '68.
- Q How did it come that so many were living in that one house? A We all came along the same time and all moved there and I rented the place, me and Schrimsher, and part of them farmed there with us and the other part moved off.
- Q When did you next see Stephen Lynch in the Cherokee Nation after this time, where did Stephen Lynch go from your place? A Down the river, I don't know where he did go.
- Q How was he travelling at that time? A He was horse back when he come up there.
- Q When did you next see him in the Cherokee Nation? A I think it was along in '67, sometime, I don't know whether it was in the fall or summer, I don't recollect. It was along about the latter part of the summer though.
- Q Where did you see him then? A I think I saw him at church on Sunday.
- Q Do you know where he was living at that time? A No sir.
- Q Where did you see him at church? A It was at what we called the Spring Frog school house, used to be.
- Q Had you heard of him living in the Cherokee nation prior to that time? A They said he was living down there on the Lynch place but then I never saw him because I never went there but once and that was the night Martha died, I took my wife down there, and I never seen him at that time.
- Q Martha who? A Martha Lynch, Crap Lynch's sister Martha, but my wife says he was living there then.
- Q When was this Martha died? A Sometime about Christmas when she died.
- Q Do you know whether or not Steve Lynch remained and lived continuously in the Cherokee Nation after you saw him in 1867? A No sir, I don't know I couldn't say because I didn't go around very much.
- Q Did you live in another neighborhood? A I lived above him, yes sir.

Q Now yesterday Mr. Davenport asked A' derson Lynch something relative to him having received a horse for testifying in some freedman case before this Commission, and while reading a certain book known as the Cherokee Attorneys Brief on Cherokee freedmen citizenship I find that you, Andy Bean and Cap Hicks were accused of having received a mule, I presume that you are one referred to?

Mr. Davenport: I object to that and move to strike it out of the record as improper, not proper examination, and not to contradict any matter admitted to be proven by the Cherokee Nation.

Mr. Bulger: I ask this question for the purpose of learning or having this man state the facts, if he can, sufficient to show that his evidence is worthy of belief since the Cherokee representatives have stated in their written brief, printed brief, that he is unworthy of belief.

On Behalf of the Commissioner: Objection noted.

A Yes I received a mule, he and Cap Hicks between us for our fees and expenses. The man that I was going to witness for, I had witnessed for him before and he never paid me and when he wanted me the next time I told him he must pay us the money or a mule or something, and he said he would give us a mule between us.

Mr. Davenport: I object and move to strike it out, all about what the man said as being incompetent, irrelevant and immaterial.

On Behalf of the Commissioner: Objection noted.

Witness: He give us the mule and I give Cap Hicks \$12.50 for his part and I took the mule.

Q What kind of a mule was this?

Mr. Davenport: I object to it as being incompetent, irrelevant and immaterial.

On Behalf of the Commissioner: Objection noted.

Q That is about how much the mule was worth? A About \$25 I guess, we divided it.

Q Whose case was this you were testifying in? A Aaron Martin.

Q You say he owed you for your witness fees and expenses for testifying in a previous case? A That was in the Kern-Clifton Court.

Q How was this mule given you and Cap Hicks for?

Mr. Davenport: I object to that as being incompetent, irrelevant and immaterial, he has already said to swear for him, to pay him for his expenses.

On Behalf of the Commissioner: Objection noted.

A Well it was for our witness fees and for our expenses and mileage.

Q How many days were you in attendance on Aaron Ross's case? A I think I was there about four days.

Q Have you ever testified at the request of the Cherokee Nation in any case? A Why I did once.

Q What case was that? A That was in the Bettie Cash case.

- Q At whose request did you testify? A I think Mr. Bell sent for me.
Q You were subpoenaed by the Cherokee Nation? A I don't know whether I was subpoenaed wasn't none read to me. They sent Roland out there after me.
Q Roland who? A Nave.
Q Is he an officer in the employ of the Cherokee Nation? A I don't know.
Q Did you receive any pay for that? A Yes sir, I got paid for it.
Q What were you paid for? A I believe they give me \$12.50 for four days.
Q Including your expenses? A Yes sir.

BY MR. DAVENPORT:

- Q You were paid \$1.50 and mileage, were you not Andy? A Yes sir,
Q And you did get the mule for testifying in the Aaron Martin case, you and Cap Hicks? A Yes sir.
Q A man known as Bill Foreman was mixed up in those days with you? A He wasn't any with me.
Q He was around with you about that time? A He was here in the Nation.
Q How far is the Lynch Prairie where you claim this woman died about Christmas from the old Thompson place where you claim you were living? A About 4 miles I guess.
Q And you took your wife down there the time this woman died, let it be what it may? A Yes sir.
Q You didn't see Steve Henry down there then? A No sir.
Q And you had been living at the Thompson place from the time you came there in October up to Christmas? A Yes sir.
Q And you hadn't see him there in 4 miles of you? A No sir.
Q There wasn't very many settlements at that time were they Andy?
A No sir, not at that time.
Q You never testified before in this case? A No sir.
Q You have been living continuously there since the war in that neighborhood? A Yes sir.
Q And you have known that this case of Stephen Henry or Steve Lynch citizenship had been disputed? A Yes sir, I heard they were disputed.
Q They never came to you to have you testify or you never told them you saw him there in 1866? A I believe I did file an affidavit for Henry once in Vinita..
Q That has been years ago? A Yes sir.
Q You haven't done it before in this case? A No sir.

ON BEHALF OF THE COMMISSIONER:

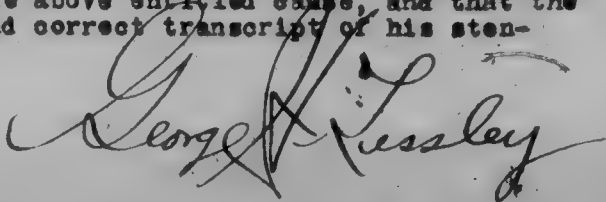
- Q Did Judie Lynch have a child? A Yes sir.
Q Do you know her name? A Bertha was her daughter.
Q Was Bertha living? A Yes sir.
Q Do you know whether she is married? A No sir, I don't think she is married.
Q Has she any children? A Yes sir, she has one child.
Q Who is reputed to be the father of that child? A Why I don't know who the father of it is. Her father I believe said Sam Vann was the father but I don't know.

WITNESS EXCUSED.

This case was here continued by agreement until December 21, 1905, at nine o'clock A. M.

-----oOo-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 14th day of December, 1905.



Notary Public.

Cher. Fr. R. 302

Cher. Fr. R. 302

Part #2

Copy.

Cherokee Freedmen D 393.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., DECEMBER 21, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JACOB BEAN ET AL., as Cherokee freedmen.

APPEARANCES:

For applicants, J. J. Bulger.

For Cherokee Nation, J. S. Davenport.

JOSEPHINE HUMISTON, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. DAVENPORT:

Q What is your name? A My name is Josephine Humiston.

Q Where do you live? A At Farlinville, Lynn County, Kansas.

Q How long have you lived there or near there? A I came to the place I am now living on in 1857.

Q What was your age at the time you came to the place? A I was about 22 I think.

Q What is your age now? A I am 71.

Q Have you been married? A Yes sir, I have been married, I was married when I came there, my husband and I came there when we were quite young.

Q What was your husband's name at that time? A William B. Emerson.

Q Were you living there when the war broke out? A Yes sir.

Q Did you remain there during the war of the rebellion? A Yes sir.

Q And after the war were you living on the same place that you are living on now? A Yes sir.

Q Were you and your husband farming at that time? A Yes sir, we had a farm.

Q At the close of the war did you have any colored people working for you on the farm or shortly after the close of the war? A Yes sir.

Q Do you remember the names of any of them that were there? A Stephen Lynch and his family.

Q Did he have a family? A He had a family, he called his wife Peggie.

Q Do you remember whether or not he had any children? A He had children he had two boys, Jesse and Billy they called them.

Q Do you know whether or not while he remained there they had other children born to them? A They had other children, two girls, Linnie and Julian, then there was other born one they called Judie and Nettie.

Q Was Judie born after they came to your place? A Yes sir, a Nettie.

Q Do you remember about what year they went on to your farm? A They came in the fall of 1863.

Q How long did they stay on your farm, about when did they leave there?

A They stayed there until the fall of 1867.

Q Did they make crops on the place? A They made five crops on the place.

Q Did the family continue to reside on the place, that is up there, each year while you were there? A They were there.

Q How far was the house you lived in to where they lived? A Only a short distance, a little spring branch between our places, I don't know just the distance.

Q Did you ever know Stephen Lynch to be called anything else but Stephen Lynch while he lived there? A No sir, that was all we always said Uncle Steve.

Q He was getting up in years? A I would have said about 50.
 Q Now what did you say your husband's name was at that time? A William B. Emerson.
 Q Would you know his handwriting? A Yes, sir, I think I would know it from every one else's.
 Q I will ask you to examine the book which I hand you made on Tuesday, August 20, 1867, and see if that is his hand writing? A Yes sir, that is his hand writing.
 Q In whose possession has this book been since the death of your husband?
 A It has been in my possession all these years.
 Q Did your husband keep at that time a kind of a diary of affairs that took place? A Yes sir.

Mr. Davenport: I desire to offer that part of the book which I refer to under date Tuesday, August 20, 1867: "Come hom via John Woffinger's and the dreary Paris. Steve starts to Cherokee Indian Country. Hulbert, William, Mungford and David Hill at haying. At P. M. Commenced report for J. R. Vanzant."

Q I wish you would examine the book I hand you under date of Tuesday, October 22, 1867, and state if it is in the hand writing of your deceased husband? A Yes sir.
 Q In whose possession has the book been since his death? A It has been in my possession all these years.

Mr. Davenport: We desire to offer the entry under date of Tuesday, October 22, 1867: "Steve and brother Bill start back to the Cherokee Nation. T. Barwick gets back to work. Steve takes 7 1/2 bushels of corn out of the crib again." The book labeled "Diary 1867" on the outside.

Q I wish you would examine the book I hand you and state what book that is or whether it is-----? A It is my husband's book, his account book.
 Q It was kept by your husband, Mr. Emerson as an account book? A Yes sir.
 Q I will ask you to examine it on page 17 and state whether or not the hand writing there is that of your deceased husband? A Yes sir, it is.
 Q In whose possession has that book been? A It has been in my possession.
 Q Has there been any alteration or changes made in the book? A No sir.
 Q Or used by any one else? A No sir.

Mr. Davenport: We desire to offer all that part of the account found on page 17 or what has been identified on the account book of William B. Emerson, who is deceased, the hand writing of whom has been identified by Mrs. Humiston, the witness:

"Emerson

Stephen Lynch, Dr.

Cr.

A. D. 1867

A. D. 1867.

July

| | | | | | |
|----------|-------------|-------|--------------------------|-------|-------|
| 20th | to 3/4 gal. | .75 | By labor 5 days | 13 | 5.50 |
| Aug. 5th | To cash | 22.90 | July 13, 3 days labor | 17.90 | 3.00 |
| | | | " 20, 4 days labor, toll | | 4.90 |
| | | | " 23, 4 days hoeing corn | | 1.00 |
| | | | " 26, 1/2 day of S & J | 15 | .50 |
| | | | " 29, 1/2 day of S & J | | .75 |
| | | | Aug. 3, By cellar ditch | | |
| | | | Labor by Peggie | | 8.00 |
| | | 23.65 | | | 23.65 |

~~23.65~~

| | | | | | | | |
|----------|-----------|----|--------------|----------|-----------------|----|--------------|
| Aug. 15 | To cash | 11 | \$10.00 | Aug. 15 | By 10 days work | 12 | \$10.00 |
| Sept. 20 | Thrashing | 21 | 1.10 | Aug. 18 | " 1 day work | 15 | 1.00 |
| Oct. 8 | To cash | 22 | 6.50 | Sept. 3 | By hauling wood | 17 | .50 |
| " 14 | To cash | " | 8.50 | Sept. 30 | 6.76 acres corn | 2 | 50.70 |
| " 21 | To cash | " | 55.10 | " 30 | To Fodder | " | 19.00 |
| | | | <u>81.20</u> | | | | <u>81.20</u> |

Q I notice from the entry in the book on page 17 a credit of 6.76 acres of corn, do you know anything about that? A Yes sir, I think that it had reference to the ground that Mr. Lynch cleaned and cleared up and my husband bought the ground.

Q Had Stephen Lynch been renting on shares from your husband or had he leased some of the land? A He leased it and cleared it up. It was in brush and he cleaned it up and my husband bought the crop.

Q I will ask you if you ever made an examination sufficiently to show whether or not the figures opposite the debit and credits in this book in red ink indicated the pages? A Yes, sir, I think that is it.

Q Are you in possession of the day book where these original entries were made? A Yes sir.

Q And you have examined it also to see that the entries are similar to the entries here and to see if they are in the hand writing of your husband? A Yes sir, they are in the same hand writing.

Q And your recollection is that Stephen Lynch and his family began working there in what year? A In the spring of 1863.

Q I will ask you if you have any other books of years back, say of 1866 where the name of Steve appears? A I have a diary of 1866.

Q Of your husband? A Yes sir, in the same hand writing.

Q I will ask you to examine the book I hand you under date of January 6, 1866, and state whether or not that entry is in the hand writing of your husband? A Yes sir, it is in his hand writing I recognize that.

Mr. Davenport: I desire to offer under date of January 6, 1866, an entry: "Paid to Sutton for B. Fouts for S. Lynch \$27.00, and Steve 100 pounds flour, \$7.00, total \$34.00."

Q I will ask you to examine the diary of 1866 and state whether or not the hand writing under date of January 29, 1866 is in the hand writing of your husband? A Yes sir.

Mr. Davenport: Under date of January 29, 1866: "Pay Steve \$5.00 for wood chopping, hauling etc."

Q In whose possession has this book been since the death of your husband?

A It has been in mine.

Q Has there been any alterations or changes in that diary of 1866?

A No sir.

Q Has there been any alterations made in the day book which shows the entries of accounts and which entries have been transferred to your husband's account book? A No sir.

Q Have you been in possession of these books ever since that time?

A All these years.

Q These books have been examined by you with other parties have they not? A Yes sir.

Q Mr. Keys and myself and you have gone over the books? A Yes sir.

Q Has any one else representing the applicant or representing any one gone over the books with you in the last few weeks? A Mr. Starr was there.

Q Mr. J. C. Starr? A I don't know, the Mr. Starr I met when here before

Q How long ago? A Oh, just a few weeks ago, just a few days ago.

Q You gave him permission to examine it? A Yes, sir.

Q Was Mr. Bulger with Mr. Starr at that time? A There was no person from this place, a man with him from Pleasanton.

Q Did you learn what the man's name was? A I forget his name.
Q Do you remember whether it was Mr. Paramore? A No sir, I don't think that was the name. He remembered being in our county and remembered being in my house once.
Q Mr. Starr was there? A I recognized Mr. Starr and he told me he recognized me at Muskogee.
Q You gave him the privilege of examining the books? A Yes sir.
Q You never had those three small books examined here before? A No sir.
Q And you now state no alterations or changes have been made? A There has been no alterations or changes made.

BY MR. BULGER:

Q These accounts so far seem to show that Stephen Lynch was at your husband's place from the 6th and the 29th of January, 1866, and from the 6th of July to the 30th of September, 1867. Then from January 29, 1866, to July 6, 1867, there is no account with reference to your husband in so far presented with Stephen Lynch, no account of your husband from January 29, 1866 to July 6, 1867, is a blank so far as these records are concerned? A Yes sir.
Q Do you know of your own knowledge where Stephen Lynch was during all that time? A The greater part of the time he was on the place.
H How close did they live to your place? A Just a few rods.
Q Did your husband and Steve have business relations all the time during his stay there? A Yes sir, all the time, my husband was a surveyor and was away from home and Mr. Lynch worked on the place and leased a little land and cleared that up, and when he wasn't working on his own lease he was working for my husband for pay.
Q Was it a habit of your husband to keep a diary? A Yes sir, he had been doing so.
Q Do you know a man named Thomas Barbick? A Yes sir.
Q Did he work for your husband? A Yes sir.
Q When? A In 1867.
Q Did he work in 1866? A Not that I remember of, I don't think he did.
Q Where did Thomas Barbick come from to your place? A St. Louis.
Q Do you know what he had been doing prior to the coming to your home? A He was working in St. Louis, I don't know how long he had been in St. Louis, he had formerly lived there.
Q Was he a married man? A Yes sir.
Q Did his wife live with him at your place? A She lived there with him part of the time but not all of the time.
Q Did Mr. Barbick and his wife separate while at your place? A He left our place supposedly going to his wife and he didn't go to her and it was a long time then before she knew where he was. Nobody else knew where he was for a long while.
Q And he deserted her then from your place? A Yes sir.
Q When was this? A Just a few days after his name appears in those books.
Q This was the year 1867 or 1866? A 1867.
Q Now if Mr. Barbick says that he separated from his wife in 1866? A He can say if he so if he wish but it won't agree with my understanding or remembrance.
Q Do you know anything about Mr. Barbick having sold or loaned something to this Steve Lynch? A I don't think of it.
Q Do you know anything about Mr. Barbick corresponding with your husband after he had gone away? A If he did it I have no knowledge of it.
Q Do you know anything about Stephen Lynch going from your place horse back in the fall of 1866 about October? A No sir, I don't know anything about it.
Q Do you know anything about a colored man coming from the Cherokee Nation to your home in the fall of 1866? A He didn't come to my house he probably come to Lynch's.
Q Do you remember about the time Lynch went away from there? A Yes sir.
Q What year was that? A 1867.
Q How do you remember it was 1867? A Well because he was there from 1863 until 1867, he made 5 crops on the place.

Q Crop in '63, '64, '65, '66 and '67? A Yes sir.

Q Now do you remember about their going away, leaving your place in the fall of 1867 that you mentioned? A Yes sir.

Q How did they go away? A With wagons.

Q How many wagons? A My remembrance they had two but I can't state anything about that, but he had wagons, I don't know a thing about it.

Q Had he been making preparation for sometime to come to the Territory?

A I presume he had.

Q Had he been waiting for some one to bring him here? A I don't know about that.

Q Had he employed a white man? A I don't know anything about that.

Q Did he come to the Cherokee Nation in the fall of 1866 by himself?

A I don't know if he did.

Q Did you ever hear of it? A No sir, I have no knowledge of it.

Q Do you remember anything more than that about Stephen Lynch, any more than what this record shows? A Yes sir, I remember seeing him over there chopping wood at my door and was working for me.

Q Was he over there every day? A I won't swear every day, he might have been working for a neighbor.

Q He might have been gone a week at a time? A I don't know that.

Q He might have been gone a month at a time? A He wasn't gone a month without my knowing it.

Q Was there any other Steves your husband kept accounts with? A I don't remember of any, if there was I don't know anything about it.

Q Do you remember when other colored men worked for your people? A Yes sir, William Buffington.

Q Was he a brother of Steve Lynch? A Yes sir.

Q Would you have remembered in regard to these matters if it hadn't have been with these records? A Would have with regard to Steve Lynch, would not have remembered Buffington so well because I saw so little of him. I remember seeing him about the time that Steve came to our place, he lived on a neighbor west of us. Then he was lost to me for a number of years, I don't know just how long then he lived south of me there, I can't remember the exact date but I remember seeing them together. I remember seeing him occasionally at his brothers. I can tell you how I remember all these things, I remember seeing this family of Lynch's in the fall of 1862 and they didn't move on to our place until the spring of 1863. In the spring of 1863 they moved there and I remember them all the while. Nearly every day some member of their family passed by our house.

Q Are you in the habit of remembering these things distinctly? A I would think so, they were the first darkies I ever had any knowledge of except when I was a child I met one and I kept on my side of the road and he kept on his, I was afraid of him.

Q But you do remember that Steve didn't come down to the Cherokee Nation in the fall of 1866? A I won't say he didn't, if he came I have no remembrance of it.

Q But you say you don't know whether he didn't? A I say I would not say whether he did or not but I will say so far as my knowledge goes that he did not.

Q It has been testified here by a dozen or 15 persons that a certain man named Crap Lynch went from the Cherokee Nation to the State of Kansas and assisted Steve to move back in the fall of 1866, got here about Christmas, then it is in the testimony that he may have gone back and worked for something to live on as all these darkies used to do, as they were in very hard circumstances down here, do you know whether or not that is true?

A His family never left our place.

Q And these 10 or 15 persons are perjured are they? A I am not going to pass on what they do, I only know what I know.

Q Did you see this book written? A Yes sir, I can't say that I saw every article written.

Q You know they haven't been changed since they were written? A Yes sir.

Q And you know they were written right in the first place? A Yes sir.

Mr. Davenport: I want to call attention to the diary of 1866 and offer the entries under the respective dates which I will give: Under date June 29, 1866, "Stacked Steve's wheat. A shower about one o'clock, it was in the night." Under date of August 19, 1866, "Frost this morn. slight says Steve. Stack hay today." Under date of September 3, 1866, "Stack hay, Steve helps." Under date of September 16, 1866, "Commence grinding Steve's sugar cane in P. M." September 24, 1866, "Continue making molasses for Steve." September 16, 1866, "Finish Steve's molasses, 45 gallons in all. Got 1/4 for use of mill, strip cane in P. M." Under date of September 20, 1866, "Raining A. M., P. M. commence grinding sorgum cane in P. M. boys and Steve." Under date of September 27, 1866, "Steve all day, boys 1/2 day." Under date of September 24, 1866, "Go to District Court, Steve and boys, Frear, and Hulbert and Paginton work at molasses." Under date of September 29, 1866, "At District Court, discharged from duty of G.J. Give Frear 5 gallons molasses for labor, 250 gallons made and raised on the place, 45 Steve's, 100 mCrae's." Under date of October 8, 1866, "Paid Steve for work, \$5.00." I desire to offer all these entries Mr. Emerson made in his diary in 1866."

ON BEHALF OF THE COMMISSIONER:

Q These books and diary entries, entries of which have been entered in the record were they made during the years 1866 and 1867? A Yes sir.
 Q The entries made in the books were they made on the dates appearing opposite the entries? A Yes sir.
 Q Were they all made in your husband's hand writing? A Yes sir.
 Q You say Steve's wife was named Peggie? A Yes sir.
 Q Did they have any children? A Yes sir.
 Q Do you know their names? A Yes sir, I know the children they brought there with them, Jesse, Bill, Vina, and Julian, and born on the place, Nettie and Judie, and one called Sarah, she died when about two months old.
 Q Was Judie born on the place? A Yes sir.
 Q Did Judie leave for the Cherokee Nation when Steve and Peggie did? A Yes sir, came with her parents at the same time.
 Q Did Stephen Lynch make a crop on her husband's place in 1863? A Yes sir.
 Q And 1864? A Yes sir.
 Q And 1865? A Yes sir.
 Q And 1866? A Yes sir.
 Q And 1867? A Yes sir.
 Q Now did you ever miss him from your place for any period more than a few days say a week at any time during the years 1863 to 1867? A No sir, I didn't.
 Q Are you positive that he and his family live on your place in 1866 during the whole of the year? A Yes sir, they lived there the whole of the year 1866, his family was there all the time.
 Q And did he live there until 1867? A Yes sir.
 Q That was the fall I believe he went away? A Yes sir.
 Q And do you refresh your memory by your husband's diary? A My memory serves me for that distinctly, I remember that.

BY MR. BULGER:

Q Do you remember what year the Boston fire was? A I don't know.
 Q Do you remember what year the Chicago fire was? A I don't know.
 Q How old are you? A I am 71, I was born in the year 1834.
 Q Do you remember when the Mexican war began? A I have some remembrance of that.
 Q Do you know the date? A No sir, I never studied history to fix it in my mind. I remember it I was just a young woman, I remember of them calling for volunteers at the time.
 Q Do you remember the name of some battle that took place in the Mexican war? A No sir, I never studied history.
 Q Do you remember who run for President in the election when Buchanan was elected? A I am not certain that I do.

Q Do you remember who run for President against Lincoln the first time he ran? A No sir, I don't think I do.

Q Do you remember when the civil war began? A In 1861.

Q What day? A It was in April, I can't state the exact date.

Q Do you remember when Lincoln was killed? A I remember the time but I can't give the date.

Q You don't remember the year? A No sir.

Q In fact your memory in regard to this is rather poor? A I can remember the birth of my children and all these things. My only son was born in the fall I first saw Peggie, now do you suppose I could remember a date from that.

Q Do you remember the date? A I remember the date of my son's birth, it was in September.

Q What date was that? A In 1862, and I saw Peggie that year, she worked for me after my son was born and I remember them when they came to our place the next year, and then the birth of my daughter Mary followed and Steve's daughter Nettie followed in three weeks, my daughter was born in 1864, and this child of his was born in 1865, my daughter was born the last of the year.

Q Was anybody born in 1866 that you know of? A I can't place the date, none of my children.

Q Was anybody born in the fall of 1867 that makes you remember that so distinctly? A I remember the whooping cough that that child had at that time.

Witness excused.

.....

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Geo. H. Lessley.

Subscribed and sworn to before me this 5th day of January, 1906.

(SEAL)

(Signed) B. P. Rasmus,
Notary Public.

Copy.

A.F.Mc.

Cherokee freedmen D 393.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jacob Bean, et al., as Cherokee Freedmen.

D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes on May 22, 1901, at Vinita, Indian Territory, by Jacob Bean for himself and minor children, Bertha and George Bean; and by Bertha Bean, on May 24, 1901, at Vinita, Indian Territory, for her illegitimate minor child, Willie Vann. As the applicant George Bean has been differently classified, his rights to Cherokee freedman citizenship will not be considered in this decision. Copies of the testimony taken at different times and places in re applications for enrollment as Cherokee freedmen of Neatie Martin and Thomas Mayfield are filed herewith and made a part of the record herein. Further proceedings in the matter of said applications were had on May 26, 1902, December 7, 8 and 21, 1905, and January 4, 1906, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Jacob Bean, claims the right to Cherokee Freedman citizenship by virtue of his compliance with the provisions of Article IX, Treaty of 1866, and that the minor applicants claim the same right as his descendants, and also as descendants of one Judie Bean, nee Henry, or Lynch, now deceased.

The following points are fully established, no attempt having been made to disprove them:

(1) That the applicant, Jacob Bean, was the slave of a Cherokee citizen at the commencement of, and removed to the state of Kansas during, the rebellion, but later returned to the Cherokee Nation and established his residence therein.

(2) That the minor applicant, Bertha Bean, was born since 1880, and is the daughter of the applicant Jacob Bean and his wife, one Judie Bean, since deceased; and that the minor applicant, Willie Vann, was born since 1896, is the illegitimate child of the applicant, Bertha Bean, and is the fruit of a lewd and illicit association.

(3) That the said Judie Bean was born in Kansas during the rebellion, and is the daughter of Steve and Peggie Henry, or Lynch, both deceased, and both of whom were the slaves of a Cherokee citizen at the commencement of, and removed to Kansas during, the rebellion, but later, together, returned to the Cherokee Nation and established their residence therein.

(4) That after the rebellion the principal applicant, Jacob Bean, returned to the Cherokee Nation with his father, Sandy Bean, since deceased, and that on June 8, 1871, Jacob Bean, the principal applicant, and his family, were denied the right to Cherokee Freedman citizenship by the duly constituted authorities of said nation, to-wit, the Supreme Court, commonly known as the Daniels Court.

(5) That neither the applicants herein nor any ancestor through whom by any possibility they might obtain rights to Cherokee citizenship, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

In view of the foregoing, it is considered that the primary questions presented for determination in this case are:

Did the applicant Jacob Bean, and the said Steve and Peggie Henry, or Lynch, both now deceased, or either of them, return to the Cherokee Nation after the rebellion and establish their residence therein within the time specified by the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs., the Cherokee Nation et al., for the return of freedmen to said Nation?

The records of this office show that on August 20, 1878, the Chambers citizenship court denied the said Jacob Bean the right to Cherokee freedman citizenship. Docket no. 40, p. 30.

The records of this office further show that on June 8, 1871, the said Sandy Bean, now deceased, and his family were denied the right to Cherokee freedman citizenship by the said Daniels court, Docket No. 66, p. 36, and by the Chambers citizenship court on August 20, 1878, Docket No. 44, p. 31.

The records of this office further show that on June 8, 1871, the said Stephen Henry Lynch and family, were denied, the right to Cherokee freedman citizenship by the said Daniels court. Docket no. 57, p. 35.

The evidence further shows that the said Steve and Peggie Henry, or Lynch, since deceased, lived in the state of Kansas continuously from the fall of 1862 to the fall of 1867.

In its decision rendered on July 10, 1903, in re application of, among others, Nettie Eaton, for enrollment as a Cherokee freedman, case No. D 190, now R 535, the Commission to the Five Civilized Tribes found that the said Steve and Peggie Henry, or Lynch, did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and on March 17, 1904, said finding was concurred in by the Commissioner of Indian Affairs (Land 66281), and on May 11, 1904, affirmed by the Department (IT.D. 2412-04).

It is alleged by Bertha Bean that one Samuel Vann, a duly recognized freedman citizen of the Cherokee Nation, is the father of her child, the minor applicant, Willie Vann. This is denied by the said Samuel Vann.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case fails to show that the applicants herein possess any rights to enrollment as Cherokee freedmen.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Jacob Bean, Bertha Bean and Willie Vann are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tans Bixby.
Commissioner.

Dated at Muskogee, Indian Territory,

this Mar 3-1906

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TO THE HONORABLE
COMMISSIONER OF THE GENERAL LAND OFFICE
WASHINGTON, D. C.

SIR:
I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above subject, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

Very respectfully,
Your obedient servant,
[Signature]

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.

JAN 6 1896

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., DECEMBER 21, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JACOB BEAN ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, J. J. Bulger.

For Cherokee Nation? J. S. Davenport.

The records of this office show that on December 7, 1905, this case was heard in part and continued by agreement until December 21, 1905, at which time the following proceedings were had.

SAM VANN, being first duly sworn, testified as follows:

BY MR. BULGER:

Q What is your name? A Sam Vann.

Q What is your post office? A Chaffee.

Q How old are you? A I don't know exactly, about 50 years old.

Q When were you born? A I couldn't tell that.

ON BEHALF OF THE COMMISSIONER:

Q Are you in the neighborhood of 40? A Well I was born before the war a good while.

BY MR. BULGER:

Q Were you a slave of a Cherokee before the war? A Yes sir.

Q Where did you live? A On Spring Creek.

Q Where is that? A In the Cherokee Nation.

Q Did you go out of the nation during the war? A Yes sir.

Q Did you return to the Nation after the war? A Yes sir.

Q When? A In 1866, the fall.

Q What is there that causes you to remember that was 1866? A We come down here in the spring of '66 and put in a crop and then went back in the fall afterwards, me and Pig Vann, a brother of mine.

Q Were there anything out of the ordinary happened while you were coming down? A Yes sir, they killed about three fellows up there at Horse Creek.

Q That is what was known as the Horse Creek fight? A Yes sir.

Q Do you remember that distinctly? A Yes sir.

Q Where did you move to at that time? A Over there about 10 miles east of the Orphan Asylum on Spring Creek.

Q How long did you live there? A I don't know just how long it was.

Q What time of the year was it you got to Spring Creek? A It was along the latter part of September or first of October, 1866? A Yes sir.

Q Were you living -- are you acquainted with Bertha Bean, daughter of Jake Bean? A Yes sir.

Q Are you acquainted with Jake Bean? A Yes sir.

Q Were you acquainted with Bertha's mother, Julie? A Yes sir.

Q Were you acquainted with her parents? A Acquainted with her mother, but not her father. Her father died before we moved up

there on Lynch Prairie.

Q Are you acquainted with any of her brothers and sisters? A All of them.

Q Who are they? A Jesse is one.

Q Jesse who? A Jesse Vann, Jesse is a Vann, he is just a half brother to Jake's wife

Q Name the rest of the children? A

Mr. Davenport: The representative of the Cherokee Nation object to that, let him tell what he knows about these facts.

On Behalf of the Commissioner: Objection noted.

Q When did you know of Steve Lynch, that is the father of Judie Bean living in the Territory after the rebellion? A Long in about '68, when I got acquainted with Judie.

Q Had you understood where they lived previously to that time?

Mr. Davenport: I object to that, it is incompetent, irrelevant and immaterial.

On Behalf of the Commissioner: Objection noted.

A Just been living on the River all the time, on Lynch Prairie.

Q Did you know any of the family before that time? A I knew Jesse.

Q Is he now alive? A Yes sir.

Q Was he a minor at that time, that is under age?

Mr. Davenport: I object to that, it is incompetent in this case and I object to the fishing in this case to try to find out something in another case.

On Behalf of the Commissioner: Objection noted.

A Jesse was older than I was, we were boys together.

Q About how old were you do you think? A I don't know just how old I was.

Q Guess at it? A Long about 15 years I guess.

Q Where did you know Jesse then? A Knew him on Spring Creek.

Q When did you know him first? A In the winter of '66 when he come down there.

Q Where did he come? A I said he come from off the river.

Q Whose place did you understand he came from?

Mr. Davenport: I object to what he understood about it.

On Behalf of the Commissioner: Objection noted.

A He told me that he come from up there-----

Mr. Davenport: I object to what he told as that is a declaration.

On Behalf of the Commissioner: Objection noted.

Q When was this declaration made? A In the winter of '66.

Q Did he say where his father lived at that time?

Mr. Davenport: I object to that, what he was told.

On Behalf of the Commissioner: Objection noted.

A Jesse told me his father lived on Lynch's Prairie.

- Q When was this Jesse came down to your Uncle Gilbert's? A In the winter of '66.
- Q Do you remember what month? A It was long either a little before Christmas or after Christmas.
- Q How long did you remain there? A There all winter and somewhere in '67 he left.
- Q Did you move away from that Spring Creek neighborhood after that? A Yes sir, we moved away.
- Q To where did you move? A Up on the river.
- Q Where? A On the north side of Island Ford there.
- Q Is that in the Cherokee Nation? A Yes sir.
- Q What year was this you moved up there on Grand River to Island Ford? A I don't know, it was along up in about '69 I guess when we moved up there.
- Q Did you find Stephen Lynch and his wife living up there at that time? A Yes sir, the old lady was living, Uncle Steve was dead, they were living there at the old place on Lynch Prairie.
- Q Are you acquainted with Jacob Bean, the father of this Bertha Bean? A Yes sir, I am acquainted with him, lived within a half mile of him.
- Q How long have you known him? A About, I don't know how long, about 35 years I guess.
- Q How long after your return to the Cherokee nation did you become acquainted with him? A Along in about '68.
- Q Had you been up there on Grand River at Island Ford prior to that time? A No sir, never was up there until we moved, got acquainted with him working over there on Big Spring Creek at Joe Downing's Mill.
- Q Were you working there? A No sir, rack and them were.
- Q Had you moved down to the Spring Creek country prior to New Years 1867, that is the first day of the year 1867, a week after Christmas 1866? A We moved there in the fall of 1866.
- Q Were you living there at New Years time? A Yes sir, we were living there.
- Q Was there anything happened about that time that causes you to remember this time? A Yes sir, Uncle Riley and old Uncle Nathan had a watch meeting there.
- Q Uncle Riley who? A Mowair.
- Q Nathan who? A Nathan Turner.
- Q A watch meeting there? A Yes sir.
- Q Are you acquainted with Walter West? A Watt West.
- Q Yes? A Yes sir.
- Q How long have you known him? A About 30 years I guess, I got acquainted with him.
- Q Do you know anything about his feeling toward the Cherokee freedmen? A No sir, I don't know, he never said as I know of.
- Q Is he prejudice or not against the freedmen? A Yes sir, he is pretty prejudice fellow toward the freedmen.
- Q Are you acquainted with Tom Monroe? A Yes sir, I am acquainted with him.
- Q How long have you known him? A About 35 years.
- Q Is he a Cherokee? A Yes sir, he is a Cherokee.
- Q Do you know whether or not he is prejudice against the freedmen? A Yes sir, he is a little prejudice I think.
- Q Do you know G. W. Clark? A Yes sir, I know Judge good.
- Q How long have you known him? A About the same as I knowed Tom. About 35 years I guess, he used to be a Judge there.
- Q Do you know whether or not he is prejudice against the freedmen? A Yes sir, he kinder showed it when he used to be a Judge.
- Q What did he do? A He wouldn't have anything to do with them boys that were arrested up there them Lyons boys.
- Q Who were they? A Ed Lyons and Watt Lynch.

- Q Tell about it? A They arrested them there for stealing some rails from Mrs. Downing and brought them up before the Court, they were on the doubtful list, Judge said he wasn't making any more rolls for the Cherokee Nation.
- Q What Lyons boy is that? A Ned Lyons.
- Q Who arrested them? A Marshal Jandrum arrested them.
- Q Who were the prisoners? A Watt Lynch and Ned Lyons and Elias Lyons.
- Q Sam are you positive that Jesse Vann lived with your Uncle in January, 1867? A Yes sir, I know the reason cause me and Jesse were together that winter, worked together.
- BY MR. DAVENPORT:
- Q You were a very small boy when the war began? A I was big enough to know when I drew my clothes when I went out to Fort Scott.
- Q What year did you go to Fort Scott? A I don't know just what year it was.
- Q What year was it when you drew your clothes? A I guess it must have been along in '61 or '62, somewhere along there.
- Q I don't want you to guess at it, you have told us positive about other years, now what year did you go to Fort Scott? A I don't know what year, I think it was along in '62, or '61, Couldn't read or can't write to keep any count of the days.
- Q You said you couldn't read then you haven't kept any count of the years since that time? A Only by what I heard talking, what year it was.
- Q Now what year did they tell you it was you drew your clothes at Fort Scott? A I think it was in '61.
- Q How many years did you live at Fort Scott? A We never lived at Fort Scott at all, we were just passing through.
- Q Where did you go? A Up there on the Mariadecygne River now.
- Q You speak of George Clark being prejudice, now did you know of him being prejudice in anything else except in the case where the Lyon boys and Watt Lynch were accused of stealing from Jesse Daniels, and he refused to take jurisdiction because they were not on the 1860 roll? A When he made that roll, when they put us on the Authenticated roll he said they were too many niggers to go on the roll.
- Q You heard him? A Yes.
- Q Who was he talking to? A He was talking there in the house.
- Q Why didn't you tell that while ago if that was one of the prejudices instead about the Lyon boys? A He never asked me.
- Q As a matter of fact Judge Clark refused to take jurisdiction in the case of the Lyon boys and Watt Lynch because they were not on the 1860 roll? A I don't know.
- Q You know they are not now? A I don't know, they are on the Wallace roll all right.
- Q What year was the Wallace roll made? A I couldn't tell.
- Q What year was the Vann-Clifton roll made? A I couldn't tell that.
- Q You were a grown man when both of these rolls were made? A Yes sir.
- Q And can't tell the year? A No sir.
- Q Still you undertake to tell the year the conversation that took place when you were a boy? A Yes sir.
- Q You speak of Tom Monroe, I will ask you if he isn't considered in the community in which he lives as being one of the most reliable men in the community for filling his financial obligations as well as his moral obligations? A I don't know.
- Q Do you know of any man in the community in which he lives that doubts his work if he tells him he will pay him at a certain time? A I don't know any.

- Q Do you know of a man that ever accused him of being dishonest?
A No sir.
- Q Do you know of anybody that says that Uncle Watt West is dishonest? A Yes sir, several of his neighbors.
- Q Who is that? A Tom Eaton and -----
- Q The man you have named either claims for citizenship or supporting some fellow that was a claimant for citizenship? A Tom aint.
- Q George Clark has lived in that locality where it is claimed you returned ever since shortly after the war, hasn't he? A No sir, when we moved there George wasn't up there in the neighborhood where we were living.
- Q You went to Spring Creek first? A Yes sir.
- Q Then you went back to Spavinaw or the old Lynch neighborhood?
A Yes sir.
- Q Where was George Clark living in 1869 when you went to the Lynch place? A I don't know, never knew him then.
- Q Where was Lon Lynch living? A I don't know, never got acquainted with him until two or three years ago.
- Q Do you know where the old Lynch place was? A Yes sir.
- Q Judie's father was living about the Lynch place? A No sir, below there about a mile and a half.
- Q You never saw either of the parents of these applicants until about 1868 or 1869 in the Cherokee nation? A No sir.
- Q And you think that you are now about 50 years old? A Yes sir.
- Q Your age was given when you applied for enrollment in 1901 as being 40 years of age, that is about 4 years ago, do you think that was right? A Yes sir.
- Q That would make you now about 44 or 45? A Yes sir.
- Q When you returned after the war to the Cherokee nation you could not have been over 7 or 8 years old? A Yes sir, I was older than that, they just put my name down younger than I was cause I can remember things, Tom and Bob only stayed away less than a year after that fight.
- Q I am not asking about that fight and the killing I am asking you about what age you were. Now where were you living in 1870?
A We were living on the river.
- Q What river? A Grand river.
- Q You remember distinctly a boy that you were these conversations that you have told? A Yes sir.
- Q Have you ever testified in this case before? A No sir.
- Q You have lived up there in that community ever since the war or shortly thereafter? A Yes sir.
- Q Have known that these people were on the doubtful roll? A Yes sir.
- Q And never did testify for them before until this time? A No sir.
- Q They had a hearing once before the Wallace Court didn't they?
A Yes sir.
- Q And the Fern-Clifton Court? A Yes sir.
- Q And then this Commission has been making a roll for nearly four years and you never testified? A No sir.
- Q What year did the Commission commence making the freedmen roll, this present Commission? A Why I don't know just when, or what year it was.
- Q It hasn't been near so long since they began that as it has since the war closed has it? A No sir.
- Q You were as much interested in the making of this last freedmen roll as you were in 1866 were you? A I aint made many testimonies here for any one.
- Q I say you were as much interested in the making of this roll as you were in 1866? A Yes sir.

- Q And it is nearly 40 years later and you can't tell me what year they began? A No sir.
- Q And now you undertake to tell you remember in 1866 when you were a mere boy? A Yes sir, I recollect that.

BY MR. BULGER:

- Q Why do you recollect that? A Cause in '66 Uncle Gilbert come ahead of us to see something about putting in a crop and come back and moved us.
- Q And you were in the Horse Creek fight? A Yes sir.
- Q How long after the Horse Creek fight until you saw Jesse Vann? A It was that winter, '66.
- Q Why is it you remember it distinctly as 1866? A Cause we were talking about it, that is old man Gilbert was, we was talking about it and they said it was '66.
- Q Were the freedmen older than you discussing the question about the return to the Cherokee nation at that time? A Yes sir.

BY MR. DAVENPORT:

- Q Then you are testifying from what somebody else told you and not from your own knowledge? A I heard it.
- Q I am not asking about that, you are testifying from what some one else told you? A Yes I know it.
- Q Why did your uncle Gilbert come down in 1866? A Cause he told him he just had a certain time to get back. He come down and old man Rowe furnished him teams to go and get his family.
- Q They told him it was necessary for him to go back in order to protect his rights? A Yes sir.
- Q And he came in the spring of 1866 and made a crop? A Yes sir.
- Q And went back that fall? A Yes sir.
- Q Where was he living up in Kansas at that time? A Yes sir, up in Kansas.

BY MR. BULGER:

- Q Who told him this? A I forget the fellow's name.
- Q Did you hear anybody tell him? A No sir, I ~~wasn't~~ didn't hear anybody tell him, just what I heard the boys talking after he left.

ON BEHALF OF THE COMMISSIONER:

- Q Is Bertha Bean living now? A Yes sir.
- Q Is she married? A ~~Yes~~ No sir.
- Q She has a child named Willie Vann? A Yes sir.
- Q Is that child ~~not~~ living? A Yes sir.
- Q Who is the father of that child? A I don't know who.
- Q Bertha Bean ever been married? A No sir.
- Q Do you know who is the reputed father of that child? A Yes sir, she says it is mine but I never had anything to do with her in my life.
- Q Do you know it is not your child? A Yes sir.
- Q You are a married man? A Yes sir.
- Q You have been married for the last 10 or more years? A About 25 years.
- Q And you know that Willie Vann, child of Bertha Bean, is not your child? A Yes sir.

BY MR. BULGER:

- Q You are the one that is accused of being the father of that child? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q You and Bertha never cohabited did you? A No sir, I never did bother her.
- Q You are the Sam Vann that was listed on Cherokee Freedman card 740 and who has children, Dennis, Lula, Ulysses, Bruce, and Nola?
- A Yes sir.

W I T N E S S E X C U S E D .

COLUMBUS MCNAIR, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Columbus McNair.
- Q What is your post office address? A Vinita.
- Q What is your age? A 55.
- Q Are you a citizen of the Cherokee nation? A Yes sir.
- Q Are you identified upon any roll as such? A Yes sir.
- Q What roll? A 1880.
- Q Have you been enrolled by the Dawes Commission? A Yes sir.
- Q Were you a slave of a Cherokee at the commencement of the rebellion? A Yes sir.
- Q Did you remain in the Cherokee nation during the rebellion?
- A No sir, I went to Texas in '62.
- Q Did you ~~xxxxxxx~~ return from the State of Texas to the Cherokee nation? A I come to the Choctaw Nation and stopped there in the Choctaw nation until the spring of '66 and I come on up here.
- Q Up where? A To the Cherokee nation.
- Q Where did you come to in the spring of 1866 in the Cherokee nation, what particular point? A Down in Sequoyah District for awhile and then from there on up here.
- Q What do you mean by up here? A I mean up in the upper part of the Cherokee nation.
- Q To whose place? A To Kells.
- Q Which Kell? A Lewis.
- Q About when did you come up to Kells? A In November.
- Q What year? A Fall of '66.
- Q About what distance and what direction is Lewis Kell place from Island Ford on Grand River? A A little northwest about two miles.
- Q How far is it from the old Joe Lynch farm? A I guess it must be about 3 or 4 miles over there, 3 miles any how.
- Q Were you in the vicinity of the Joe Lynch farm during the war year of 1866 or 1867 any time? A Yes sir.
- Q While over there did you ever meet a man by the name of Stephen Lynch? A Yes sir.
- Q What was his wife's name? A Peggis.
- Q When did you meet him? A There at Crap Lynch.
- Q What year? A In '67.
- Q What time of the year? A Long about the first part of the year.
- Q What month? A Along in January.
- Q Now it has been a long while since January, 1867, what causes it you remember that you saw Steve Lynch in that month? A Well I am satisfied that is the first time I ever saw him after the war.
- Q Christmas '64 I was at Kells and went over in that country.
- Q Went over from Kells? A Yes sir.
- Q How long after Christmas was that? A I guess it must have been along about a week. It was a long after Christmas I don't know exactly what time it was.

- Q Did you visit the home of Steve Lynch at that time? A I wasn't right at his house, right at the place where he was building but I passed right by it.
- Q Was he building a place when you saw him? A Yes sir.
- Q Where is that place located? A Just about two or a mile and a half below the Island Ford.
- Q Do you know who has possession of that place now? A Yes sir.
- Q Who? A His son, Dan Henry.
- Q Did you see Steve Lynch after that time? A Yes sir.
- Q Where? A Over there on the other side of the river there.
- Q Are you acquainted with Bertha Bean the daughter of Jake Bean? A Yes sir.
- Q Who was her mother? A Judie Lynch or Henry, Steve Lynch and Peggies daughter.
- Q When did you first become acquainted with Judie? A Ever since she was a little girl.
- Q When was that? A I can't remember what year it was, I was acquainted with her until she was a little girl until grown.
- Q Was that after the war? A Yes sir, she was born a long time after the war.
- Q Are you acquainted with G. W. Clark of Vinita, Indian Territory? A Yes sir.
- Q How long have you known Mr. Clark? A I got acquainted with Judge Clark after the war. I have been acquainted with him frequently since the war.
- Q Do you know anything about whether he is prejudice or not against the Cherokee freedmen? A I couldn't say whether he is really prejudice or not. I couldn't say positively, he is not as prejudice as some I will tell you of as I believe, I never did really stay right around George Clark to know what his disposition was in regard toward the freedmen.
- Q Do you remember of a case pending before Clark when he was Judge of Delaware District down there in which the Lyon boys and Watt Lynch were defendants? A Yes sir, I saw the boys when arrested.
- Q Do you remember that case? A Yes sir.
- Q Do you know anything about what took place? A Not my being there, I wasn't there not any more than what I heard.
- Q Did you hear anything about it? A Yes sir.
- Q When did you hear it?

Mr. Davenport: I object to what he heard as being incompetent, irrelevant and immaterial.

On Behalf of the Commissioner: Objection noted.

- Q When did you hear about it? A In a few days at the Court House.
- Q What did you hear about it? A Well they called it to trial and I suppose some of them claimed they were not going to give them a fair trial and Judge Clark said he wasn't there to make any more citizens.
- Q Are you acquainted with Watt West? A Yes sir.
- Q How long have you known him? A Ever since I was a boy. He very frequently came to our house before the war.
- Q Do you know whether or not he is prejudice against the enrollment of Cherokee freedmen? A If there ever was a man that is prejudice he is one, I am satisfied of that.
- Q He is what? A I say I am satisfied he is prejudice.

- Q What makes you think he is prejudice? A He shows to me that he is a man of prejudice.
- Q What shows to you that he is a man of prejudice? A Well the reason why he shows in every respect since the people have been down there, every thing in the world that he despises them. He showed that much to me, I guess he showed the same thing to the rest of the people.
- Q Are you acquainted with Tom Monroe? A Yes sir, a little.
- Q Do you know whether or not he is prejudice against Cherokee freedmen? A No sir, I don't know, that is I am not positive, not very well acquainted with Tom, acquainted with him in lots of respects, but never lived near him, saw him lots of time.

BY MR. DAVENPORT:

- Q Now you went south didn't you? A Yes sir.
- Q Did you know this Stephen Henry Lynch before the war? A Yes sir.
- Q How near had you lived to him before the war? A We lived right down below him about 10 miles.
- Q You went to Texas with your Mistress did you? A Yes sir.
- Q What was her name? A Susanna McNair.
- Q When you came back who did you come back with? A With a man named Gill drove some cattle through to Fort Smith.
- Q Did you go back to Texas yourself? A No sir.
- Q You didn't come back to the Territory with Mrs. McNair? A No sir, didn't come back with her, I was ahead of her.
- Q Did she ever come back to the Cherokee Nation? A No sir, she died in Texas.
- Q How old were you at that time? A I was about 16 years old.
- Q And you came back and went to the Lewis Kell place? A Yes sir.
- Q Who was living on the Lewis Kell place when you went there? A I didn't come there with Lewis.
- Q Who was living on the place? A Lewis was living on the place.
- Q And Lewis Kell had got back and located on his old place then before you got there? A Yes sir.
- Q Who was living in the community, the Cherokee people? A Johnson Thompson, Bill Landrum, Dave Landrum, and Jesse Cochran.
- Q Old Jesse or young Jesse? A Young Jesse.
- Q Where was the old man? A He had got killed when I got there.
- Q Who was living on the old place there at the Military crossing at Big Cabin? A Lewis Kell lived on the north side.
- Q Who lived on the south side? A Wasn't anybody living there.
- Q What year you say you got back up there? A In the fall of '66.
- Q Did Lewis Kell make a crop on his farm in 1866? A No sir, not until October.
- Q What time did you get there? A Along about the last of November.
- Q What year was the Kern-Clifton roll made? A I couldn't tell you.
- Q You ought to remember that it has been only a few years ago? A Well a fellow ought to remember but I can't remember the date now.
- Q What year did this present Commission begin making the freedman roll? A This Commission.
- Q Yes? A I never paid no attention to it.
- Q What year was the Kern-Clifton roll made? A You asked me that and I told you I didn't remember that.
- Q What year was the Wallace roll made? A In '89 and I tell you here I remember that, I got my license and was married that year.
- Q And you remember distinctly that? A Yes sir.
- Q Have you ever testified in this case before? A No sir.
- Q And you knew these parties were on the doubtful roll? A Yes sir.
- Q Had known it for years hadn't you? A Yes sir.
- Q When did you first find out you were going to be a witness in this case? A Well I will tell you, it was about I guess maybe a month ago.

- Q Who talked with you first? A Why Dan, the old man's son.
- Q Dan Henry is not an applicant in this case? A Yes sir, Steve Henry's son.
- Q I am not speaking about his son, I am asking about the Bertha Bean case? A I am testifying in the Stephen Lynch case.
- Q Who else did you talk to after that about it? A I talked to nobody else about it.
- Q Who summoned you? A Mr. Bulger notified me about the case.
- Q How many times have you talked to J. C. Starr about it? A I had no talk with him about it.
- Q You have been talking to him about freedmen cases? A Yes sir, cause it was interest for me to talk about it.
- Q Have you talked to him since he became one of the Attorneys in this case? A No sir, I have had no talk to him about it.
- Q Not about any freedman case at all? A Well not as I remember.
- Q You served some papers for him? A Yes sir, I know did he asked me to hand the papers to Mr. Bell, I didn't know what they were.
- Q And you never talked to Starr about the case one way or the other? A No sir.
- Q And you have lived there in vinita for years and never testified in the case or told any one that you knew about it until about a month ago? A Yes sir, I told Dan what I knew about it.
- Q When did you tell him? A About a month ago. He come to me and asked me if I knew his father and I told him yes.
- Q Now tell me who else you saw in the Cherokee Nation in the fall of 1866? A Well up there where I was there was Ben Landrum, Dave Landrum, John Landrum, Johnson Thompson, Tonny Thompson.
- Q Did you see Watt West up there? A No sir.
- Q Don't you know Watt West was living there and has lived there since the close of the war? A No sir, he was not.
- Q Don't you know he has lived over there from the close of the war up until the present time? A No sir, he was south and couldn't live there.
- Q I am asking you if you don't know that is a fact is it so or not, if he testifies that he lived there ever since the close of the war?
- A Yes sir, he lived there but in the fall of '66 I didn't see him.
- Q You didn't see him because you were not in that neighborhood?
- A No sir.
- Q You didn't come over there until the first of January, 1867? A No sir.
- Q Now when did you get over there first? A I don't know.
- Q How do you remember it was the first of January, 1867? A The reason I could remember it was along in the first part of the year the Cherokees was holding a Kaytooyah meeting in regard to the nomination of the two Chiefs.
- Q Who were they to succeed? A Lewis Downing and William P. Ross.
- Q Now you want to be understood in this record that you didn't come over into that neighborhood until the nomination of Lewis Downing and William P. Ross? A No sir, that was the year, of course, that was explained to me by men supposed to know the difference in the year, we say the year they were nominated, the year '67.
- Q You said they were holding their meeting in January, 1867, and that is why you remember it? A Yes sir, I went over there.
- Q Then the fact that causes you to remember it was in January, 1867, that you went over to the Lynch place and saw Steve Lynch was because the Kaytooyahs held meetings in regard to the nomination of a Chief? A I says I went over there very frequently after that time but after that time I went over there very frequently after that time cause they were holding Kaytooyah meeting after that time.

- Q And it was a long time afterwards wasn't it? A No sir, it wasn't.
- Q Now I want to ask you again and want you to tell me what it was that caused you to remember that the first time you went over on the east side of Grand River and claim to have seen Steve Lynch was the first of January, 1867? A The reason I know cause it was the first part of the year.
- Q Might it not have been the last part of the year? A No sir, it wasn't.
- Q How many days after Christmas was it? A About a week after Christmas I guess.
- Q What makes you know it was just about a week after Christmas? A I just got to suppose that it was a week after Christmas.
- Q Then you are testifying what you suppose and not what you know?
- A I know it wasn't longer than a week.
- Q Then you never saw him until January, 1867? A Yes sir.
- Q How many of these applicants' cases have you testified in? A Not in a great many.
- Q Been sort of a standing witness haven't you? A No sir, never was.
- Q What year did you move to Vinita? A I can't remember what year it was I come to Vinita.
- Q What year did you get acquainted with Walter West after the war?
- A Was acquainted with him ever since I was a boy.
- Q What year did you get acquainted with George Clark? A Along about '67.
- Q Do you know any man in that country that has any financial standing at all that doubts the reputation of G. W. Clark for financial reputation or truth? A No sir.
- Q Do you know any one in the community where Tom Monroe lives that doubts the standing of Monroe for financial standing and truthfulness? A No sir.
- Q They are regarded in the community where they live as being upright and reputable men? A No sir, I don't know, I am sure George Clark but not Tom Monroe.
- Q Have you never been in Tom Monroe's community? A No sir, never been up there.
- Q You have never been in the Horse Creek neighborhood? A Been through there never stopped there.
- Q Do you know anybody in the community in which Watt West lives that will question his reputation? A No sir.
- Q You seem to have an interest in this case? A No sir, no interest on earth.
- Q You insist on arguing it instead of answering the question? A No sir.
- Q Do you know of any instance that Walter West ever swore falsely because of his bias in the case? A No sir.
- Q Do you know in any instance in which Thomas J. Monroe on account of his prejudice has ever sworn falsely? A No sir, I don't know anything about it.
- Q Do you know any instance in which G. W. Clark has sworn falsely?
- A Don't know anything about that.

BY MR. BULGER:

- Q You said awhile ago that Jesse Cochran had been killed before you got up there in that neighborhood, how long prior to that time? A Just what they told me he was killed along in the spring.

Mr. Davenport: I object to his telling what he was told.

On Behalf of the Commissioner: Objection noted.

- Q Do you know about the--had you heard about the Horse Creek fight?
- A Yes sir.

- Q Do you know what year the Horse Creek fight took place? A Taken place in the fall of '66. I heard of it before I got up there.
- Q Were you a witness in the Tobias Bean case before this Dawes Commission? A No sir.
- Q Do you remember about that case being brought up? A Yes sir, I remember about it being tried.
- Q Was there something about that case that attracted your attention? A No sir, no more than that I understood that he was shot that drew my attention.
- Q Do you know what George W. Clark testified to in that case? A No sir, I don't.
- Q Do you know what Tom Monroe testified to in that case? A No sir.
- Q Do you know what Watt West testified in that case? A No sir.
- Q Do you know what King testified to? A No sir.

BY MR. DAVENPORT:

- Q You were not in that country when that Horse Creek fight took place? A No sir, it was before I got there.

W I T N E S S E X C U S E D .

ALLEN LYNCH, being first duly sworn, testified as follows:

BY MR. FULGER:

- Q What is your name? A Allen Lynch.
- Q What is your post office address? A Ketchum.
- Q How old are you? A I am pretty near 66 years old.
- Q Were you a slave of a Cherokee at the commencement of the rebellion? A Yes sir.
- Q Did you go out of the Cherokee nation during the rebellion? A Yes sir.
- Q Did you return to the Cherokee nation after the rebellion? A Yes sir.
- Q What year did you return? A Well I always claimed that I come here in '66 I guess, about then I know. I come out of the army in October '65 and stayed up at Weosho Falls about a month and then come down here.
- Q It was either '65 or '66 wasn't it? A Yes sir, right along there.
- Q To what part of the nation did you move at that time? A Moved upon Grand River there close where I live now. I moved first over on the east side of Grand River and then I went over there back on to the west side, I just lived in that neighborhood---
- Q Where were you living during the fall and winter of '66? A At the Dr. Thompson place, that brick house across the river.
- Q With whom did you live there at that place? A I lived with Andy Frye and his family.
- Q Did any one else live there? A Yes sir, there was 7 or 8 different families there.
- Q Who were they? A Tobe Schrimsher, and Jake Martin family and Mose Hardrick, Jeff Lyon, Tom Moore and family and Butler Mowair.
- Q When was this? A That was in '66 and spring of '67, they were there, Jeff went there, I don't know exactly the time but that was the crowd that lived there.
- Q Are you acquainted with Grap Lynch? A Yes sir.
- Q Did you see him in the Cherokee Nation in the fall of 1866? A Yes sir.
- Q Were you acquainted with Sam Stephen Lynch during his life time? A Yes sir.

- Q Were you acquainted with him before the war? A Lived right on the same place with him.
- Q Did you belong to the same man? A Yes sir.
- Q Did Stephen Henry Lynch go out of the Nation during the war?
- A Yes sir.
- Q Did he return after the war? A Yes sir.
- Q Do you know when he returned? A He come down here in the fall along in the early part of the winter of '66 and got Crap Lynch or Anderson Lynch, they called him, to go with him back to Kansas and move him down, I was there when they left ~~there~~, I wasn't there when they come back.
- Q Where did you see Crap? A At an Tucker's.
- Q What was he doing there that caused you to remember him? A Playing a fiddle, had a dance there.
- Q When did you see Steve Lynch the first time? A It was after Christmas but I don't know what time it was.
- Q Christmas what year? A '66 and then it was '67, between that and spring I seen him.
- Q Where did you see him? A Saw him at Crap's, he was living there staying on the same place.
- Q Was his family there then? A Yes sir.
- Q Was this prior to February 11, 1867? A Yes sir, it was then February. I seen him between February and Christmas but I don't know just what time.
- Q Do you know whether or not Stephen Lynch returned to the State of Kansas after this date, January, 1867? A No sir, I will tell you when we all come down here it was a common thing that we went back to Kansas. -----

Mr. Davenport: I object to that and move to strike it out of the record if brought out that way, he knows whether or not the man went back.

On Behalf of the Commissioner: Objection noted.

- A ----- We had to go back up there to work and get something to eat. I don't know when they went out and come back, I don't know a thing about it, I don't suppose any of them know when I was out and back.
- Q Had you gone out yourself? A Yes sir, I went out and went to Ottawa and stayed there two months and worked.
- Q Are you now enrolled as a Cherokee citizen? A Yes sir.
- Q On what rolls are you? A On all of them.
- Q Do you know anything about the school having been conducted on the Dr. Thompson property right shortly after your return to the Cherokee Nation? A Yes sir.
- Q When was that school conducted? A That school commenced in '77, that is 1877.
- Q '77? A Right away after Christmas '66.
- Q Quit stutterin, now give me the date? A School commenced after Christmas.
- Q What year? A 1877 is it, well now I have got it mixed up, '76.
- Q You are trying to say '67? A '67, that is it.
- Q Now this school you saw began when? A In '67.
- Q About what time of the year? A March 3rd or 4th, and was taught by my wife. We got the permission of old Spring Frog, he was the national Treasurer and he done all the issuing. Taught that term and then another.
- Q Did any of Stephen Lynch's children attend that school? A No sir.
- Q And you remember some persons that did attend that school? A There was Aaron Martin's children, Jake Martin children, Lewis Rose's children, Arch Anderson, Rube Downing, Toke Schrimmer, Mose Wardrick and Jeff Lyons and some Cherokee children, I don't know

their names.

- Q Were there any other freedmen in the Cherokee Nation when you came down here in the summer of '06? A In the spring of '06 old man Riley McNair.
- Q Did he remain here? A He come down here and raised a crop and then went back to Kansas after his family. He come down here he was out preacher but who come down with him I don't remember, I don't know after that. I know he was here because he was there and preached for us.
- Q Did he return to Kansas for his family after he came? A Yes sir.
- Q When was that? A I don't know just when he got in with his family but he come here and raised his crop and went after them.
- Q Now are you acquainted with Bertha Bean, Jake Bean's daughter?
- A No sir, she is Steve Henry's daughter child.
- Q Yes? A I am not acquainted with her much.
- Q You know of her? A Yes sir.
- Q Are you acquainted with her mother? A Yes sir.
- Q Who is her mother? A I know Steve and Peggie and the children of course, I didn't keep track of them. I knew Steve and Peggie and Jesse and Bill.
- Q Who is Bill? A Bill Vann, lives out on Big Creek.
- Q How long was it after you saw Crap ~~and~~ at this dance Christmas 1866 was it until you saw Steve Lynch? A I seen him after Christmas between Christmas and spring, couldn't tell you exact time.
- Q Did any one else return from Kansas with him at that time? A Not nothing but old Uncle Bill, his brother.
- Q Uncle Bill who? A Bill Buffington, I didn't see him they told me he come.
- Q Did you ever see him? A Yes sir, afterwards.
- Q What time afterwards? A That summer sometime.

Mr. Davenport: I object to any further fishing around, lets get down and try one case at a time.

On Behalf of the Commissioner: Objection noted.

BY MR. DAVENPORT:

- Q You are the same Allen Lynch that has been testifying in a number of these cases? A Yes sir.
- Q How many have you testified in? A I don't know.
- Q About 20 or 60? A I expect so.
- Q Have you ever testified in this case before? A I just knew about it, I know about Steve Lynch.
- Q Do you know when Steve Lynch, the grand-father of this Bertha Bean returned to the Cherokee Nation? A No sir, I didn't see him until after Christmas.
- Q Can you tell what month it was? A I think it was sometime in January.
- Q Did you make any special note of it? A No sir.
- Q You don't know whether it was January or February? A It was January.
- Q How do you know it was January? A Cause it was right after Christmas.
- Q It has been 40 years how do you know it was January after Christmas? A I say it was after that time.
- Q You say you never testified in this case before? A I say I don't.
- Q Do you know anything now you didn't say then? A Just what I told you then is what I am telling now.
- Q Why did they bring you down here again if you told this before?
- A I told him I would tell the same thing.
- Q Where was it Riley McNair made a crop in 1866? A Down here below Greenbrier.

- Q On whose place? A On the old Susan McNair place.
- Q Who was living on the Susan McNair place the year Riley made the crop there? A I don't know.
- Q You saw his crop? A No sir, I didn't.
- Q You are not undertaking to testify where he made a crop without seeing it? A That is what he told me.
- Q Do you know of your own knowledge that Riley McNair ever made a crop in 1866 anywhere? A No sir, I don't, but he was here and claimed----
- Q I am not asking about what he claimed, do you know of your own knowledge? A I never went down there to see his crop.
- Q Then you don't know whether or not he made a crop? A No sir, I never seen it, I am just taking his word for it.
- Q Are you swearing in this case from what has been told you or from your knowledge? A I am swearing from what I ~~was~~ was told about raising a crop.
- Q Are you swearing from the time he returned to the Cherokee Nation from what you know or what he told you? A I am swearing from what I know, I seen him, heard him preach.
- Q Didn't you tell me awhile ago that you never saw him until January, 1867? A What case are you talking about.
- Q This case you are testifying in. Did you know when you were called as a witness and came in here and began ~~in~~ to give testimony in whose behalf you were testifying? A No, cause they asked me so many.
- Q Were you not subpoenaed to testify in a certain case? A Yes sir, subpoenaed me to come down here and testify in the Stephen Lynch case.
- Q Don't you know that Stephen Lynch has been dead for years? A Yes sir, I know when he died.
- Q Now do you swear ~~they~~ asked you to come down here and testify in the Stephen Henry case? A Yes sir.
- Q You knew he was dead and wasn't an applicant for enrollment? A I knew he was dead.
- Q You came then to testify about people that you knew were not in this case? A I didn't know.
- Q Then when you began to testify here you began to testify about parties in this Stephen Henry case? A They asked me and I told them.
- Q Now you say you never saw Stephen Henry, the father of this claimant until sometime after Christmas of 1866? A Yes sir.
- Q And you cannot tell what month excepting you think it was after Christmas? A Yes sir, I know it was after Christmas.
- Q He hadn't made a crop had he? A No sir.
- Q On whose place was he living when you saw him ~~and he was with Crap~~ ~~phstax~~ A On the old Joe Lynch place stopping there with Crap.
- Q The Joe Lynch place you speak of was the Lynch place, who was the father of Lon Lynch? A Yes sir.
- Q Now can you tell me after having your mind refreshed about how many of these cases you have testified in? A Well now I want to understand in what case you mean? I come ~~xxx~~ here today to testify in the Stephen Henry case and he just asked me who was here.
- Q I mean how many Cherokee freedmen cases you have been witness in? A I couldn't tell you, I don't know.
- Q You have been a witness in more than 50? A I may have been.
- Q And you have placed them in your testimony as having seen them all the way from Big Creek to Grand River, Tahlequah and Fort Gibson? A I placed them at Fort Gibson and Tahlequah, I never seen any of them on Big Creek.
- Q You are a brother of Crap Lynch? A No sir, no relation to Crap.

- Q You are the same Allen Lynch that was with Bill Foreman before the Fern-Clifton Commission? A I was there.
- Q Are you the fellow that got a mule or a horse to testify there?
- A No sir, never got no horse or mule.

BY MR. BULGER:

- Q He asks you if you haven't testified in something like 50 Cherokee freedmen cases, now these 50 Cherokee freedmen cases would one take in about a half dozen freedmen, wouldn't it?
- A Yes sir.
- Q Now how many cases are there in this case, Stephen Henry, children of Stephen Henry that makes individual cases? A I don't know, I told you I don't know how many. then youngest children there are. I live right by them too. There is Jesse Vann and Bill Vann and Dan Henry and he had some girls, Nettie Eaton and he had one or two more girls, I don't remember anything about them. But these older children, Jesse and Bill were born before the war down here somewhere, way down on the river and one of them got in some law suit or some trouble and had, and old Joe Lynch bought them and this woman and raised them up there.
- Q In fact aren't there about 10 of these Stephen Lynch cases growing out of this Stephen Lynch family? A I don't know.
- Q Haven't you testified in this Moses Riley case? A Yes sir.
- Q In fact there is about 26 separate cases growing out of that Moses Riley case? A I don't know.
- Q And that is how you testified in so many growing out of these older cases? A I testified in that Moses Riley before this court and before the Fern-Clifton court, and that is as near as I can remember.

WITNESS EXCUSED.

JOSEPHINE HUMISTON, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. DAVENPORT:

- Q What is your name? A My name is Josephine Humiston.
- Q Where do you live? A At Parlinville, Lynn County, Kansas.
- Q How long have you lived there or near there? A I came to the place I am now living on in 1857.
- Q What was your age at the time you came to the place? A I was about 22 I think.
- Q What is your age now? A I am 71.
- Q Have you been married? A Yes sir, I have been married, I was married when I came there, my husband and I came there when we were quite young.
- Q What was your husband's name at that time? A William B. Emerson.
- Q Were you living there when the war broke out? A Yes sir.
- Q Did you remain there during the war of the rebellion? A Yes sir.
- Q And after the war were you living on the same place that you are living on now? A Yes sir.
- Q Were you and your husband farming at that time? A Yes sir, we had a farm.
- Q At the close of the war did you have any colored people working for you on the farm or shortly after the close of the war? A Yes sir.
- Q Do you remember the names of any of them that were there? A Stephen Lynch and his family.
- Q Did he have a family? A He had a family, he called his wife Faggie.
- Q Do you remember whether or not he had any children? A He had children he had two boys, Jesse and Billy they called them.

- Q Do you know whether or not while he remained there they had other children born to them? A They had other children, two girls, Linnie and Julian, then there was other born one they called Judie and Nettie.
- Q Was Judie born after they came to your place? A Yes sir, a Nettie.
- Q Do you remember about what year they went on to your farm? A They came in the fall of 1863.
- Q How long did they stay on your farm, about when did they leave there? A They stayed there until the fall of 1867.
- Q Did they make crops on the place? A They made five crops on the place.
- Q Did the family continue to reside on the place, that is up there, each year while you were there? A They were there.
- Q How far was the house you lived in to where they lived? A Only a short distance, a little spring branch between our places, I don't know just the distance.
- Q Did you ever know Stephen Lynch to be called anything else but Stephen Lynch while he lived there? A No sir, that was all we always said Uncle Steve.
- Q He was getting up in years? A I would have said about 50.
- Q Now what did you say your husband's name was at that time?
- A William B. Emerson.
- Q Would you know his hand writing? A Yes sir, I think I would know it from every one else's.
- Q I will ask you to examine the book which I hand you made on Tuesday, August 20, 1867, and see if that is his hand writing?
- A Yes sir, that is his hand writing.
- Q In whose possession has this book been since the death of your husband? A It has been in my possession all these years.
- Q Did your husband keep at that time a kind of a diary of affairs that took place? A Yes sir.

Mr. Davenport: I desire to offer that part of the book which I refer to under date Tuesday, August 20, 1867: "Come home via John Woffinger's and the dreary Paris. Steve starts to Cherokee Indian country. Hulbert, William, Mungford and David Hill at haying. At P. M. commenced report for J. R. Vanzant."

- Q I wish you would examine the book I hand you under date of Tuesday, October 22, 1867, and state if it is in the hand writing of your deceased husband? A Yes sir.
- Q In whose possession has the book been since his death? A It has been in my possession all these years.

Mr. Davenport: We desire to offer the entry under date of Tuesday, October 22, 1867: "Steve and brother Bill start back to the Cherokee Nation. T. Barwick gets back to work. Steve takes 7 1/2 bushels of corn out of the crib again." The book labeled "Diary 1867" on the outside.

- Q I wish you would examine the book I hand you and state what book that is or whether it is----? A It is my husband's book, his account book.
- Q It was kept by your husband, Mr. Emerson as an account book?
- A Yes sir.
- Q I will ask you to examine it on page 17 and state whether or not the hand writing there is that of your deceased husband? A Yes sir, it is.
- Q In whose possession has that book been? A It has been in my possession.

- Q Has there been any alteration or changes made in the book? A No sir.
- Q Or used by any one else? A No sir.

Mr. Davenport: We desire to offer all that part of the account found on page 17 or what has been identified on the account book of William H. Emerson, who is deceased, the hand writing of whom has been identified by Mrs. Humiston, the witness:

"17

Emerson

Stephen Lynch, Dr.

Cr.

A. D. 1867

A. D. 1867.

July

| | | | | | | |
|----------|-------------|-------|-----|---------------------------|----|-------|
| 20th | to 3/4 gal. | .75 | | By labor 5 days | 13 | 8.50 |
| Aug. 5th | To cash | 22.90 | 1/6 | July 15, 3 days labor | 14 | 3.00 |
| | | | | " 20, 4 days labor, toil | | 4.90 |
| | | | | " 23, 4 days hauling corn | | 1.00 |
| | | | | " 26, 1/2 day of S & J | 15 | .50 |
| | | | | " 29, 1/2 day of S & J | " | .75 |
| | | | | Aug. 3, By cellar ditch | | |
| | | | | Labor by peggie | | 8.00 |
| | | | | | | 23.65 |
| | | | | | | 23.65 |

Squares

| | | | | | | | |
|----------|-----------|----|---------|----------|-----------------|----|---------|
| Aug. 15 | To cash | 17 | \$10.00 | Aug. 15 | By 10 days work | 17 | \$10.00 |
| Sept. 20 | Thrashing | 21 | 1.10 | Aug. 18 | " 1 day work | 18 | 1.00 |
| Oct. 8 | To cash | 22 | 6.50 | Sept. 3 | By hauling wood | 19 | .50 |
| " 14 | To cash | " | 8.50 | Sept. 30 | 6.75 acres corn | 21 | 50.70 |
| " 21 | To cash | " | 55.10 | " 30 | To Fodder | | 19.00 |
| | | | 81.20 | | | | 81.20 |

- Q I notice from the entry in the book on page 17 a credit of 6.75 acres of corn, do you know anything about that? A Yes sir, I think that it had reference to the same ground that Mr. Lynch cleaned and cleared up and my husband bought the ground.
- Q Had Stephen Lynch been renting on shares from your husband or had he leased some of the land? A He leased it and cleared it up. It was in brush and he cleaned it up and my husband bought the crop.
- Q I will ask you if you ever made an examination sufficiently to show whether or not the figures opposite the debit and credits in this book in red ink indicated the pages? A Yes sir, I think that is so.
- Q Are you in possession of the day book where those original entries were made? A Yes sir.
- Q And you have examined it also to see that the entries are similar to the entries here and to see if they are in the hand writing of your husband? A Yes sir, they are in the same hand writing.
- Q And your recollection is that Stephen Lynch and his family began working there in what year? A In the spring of 1863.

- Q I will ask you if you have any other books of years back, say of 1866 where the name of Steve appears? A I have a diary of 1866.
- Q Of your husband? A Yes sir, in the same hand writing.
- Q I will ask you to examine the book I hand you under date of January 6, 1866 and state whether or not that entry is in the hand writing of your husband? A Yes sir, it is in his hand writing I recognize that.

Mr. Davenport: I desire to offer under date of January 6, 1866, an entry: "Paid to Sutton for T. Fouts for S. Lynch \$27.00, and Steve 100 pounds flour, \$7.00, total \$34.00."

diary

- Q I will ask you to examine the ~~book~~ diary of 1866 and state whether or not the hand writing under date of January 29, 1866 is in the hand writing of your husband? A Yes sir.

Mr. Davenport: Under date of January 29, 1866: "Pay Steve \$5.00 for wood chopping, hauling etc."

- Q In whose possession has this book been since the death of your husband? A It has been in mine.
- Q Has there been any alterations or changes in that diary of 1866? A No sir.
- Q Has there been any alterations made in the day book which shows the entries of accounts and which entries have been transferred to your husband's account book? A No sir.
- Q Have you been in possession of these books ever since that time? A All these years.
- Q These books have been examined by you with other parties have they not? A Yes sir.
- Q Mr. Keys and myself and you have gone over the books? A Yes sir.
- Q Has any one else representing the applicant or representing any one gone over the books with you in the last few weeks? A Mr. Starr was there.
- Q Mr. J. C. Starr? A I don't know, the Mr. Starr I met when here before.
- Q How long ago? A Only just a few weeks ago, just a few days ago.
- Q You gave him permission to examine it? A Yes sir.
- Q Was Mr. Bulger with Mr. Starr at that time? A There was no person from this place, a man with him from Pleasanton.
- Q Did you learn what the man's name was? A I forget his name.
- Q Do you remember whether it was Mr. Paramore? A No sir, I don't think that was the name. He remembered being in our county and remembered being in my house once.
- Q Mr. Starr was there? A I recognized Mr. Starr and he told me he recognized me at Muskogee.
- Q You gave him the privilege of examining the books? A Yes sir.
- Q You never had those three small books examined here before? A No sir.
- Q And you now state no alterations or changes have been made? A There has been no alterations or changes made.

BY MR. BULGER;

- Q These accounts so far seem to show that Stephen Lynch was at your husband's place from the 6th and the 29th of January, 1866, and from the 6th of July to the 30th of September, 1867. Then from January 29, 1866, to July 6, 1867, there is no account with reference to your husband in so far presented with Stephen Lynch, no account of your husband from January 29, 1866 to July 6, 1867, is a blank so far as these records are concerned? A Yes sir.
- Q Do you know of your own knowledge where Stephen Lynch was during all that time? A The greater part of the time he was on the place.

- Q How close did they live to your place? A Just a few rods.
- Q Did your husband and Steve have business relations all the time during his stay there? A Yes sir, all the time, my husband was a surveyor and was away from home and Mr. Lynch worked on the place and leased a little land and cleared that up, and when he wasn't working on his own lease he was working for my husband for pay.
- Q Was it a habit of your husband to keep a diary? A Yes sir, he had been doing so.
- Q Do you know a man named Thomas Barbrick? A Yes sir.
- Q Did he work for your husband? A Yessir.
- Q When? A In 1867.
- Q Did he work in 1866? A Not that I remember of, I don't think he did.
- Q Where did Thomas Barbrick come from to your place? A St. Louis.
- Q Do you know what he had been doing prior to the coming to your home? A He was working in St. Louis, I don't know how long he had been in St. Louis, he had formerly lived there.
- Q Was he a married man? A Yes sir.
- Q Did his wife live with him at your place? A She lived there with him ~~fixx~~ part of the time but not all of the time.
- Q Did Mr. Barbrick and his wife separate while at your place? A He left our place supposedly going to his wife and he didn't go to her and it was a long time then before she knew where he was. Nobody else knew where he was for a long while.
- Q And he deserted her then from your place? A Yes sir.
- Q When was this? A Just a few days after his name appears in those books.
- Q This was the year 1867 or 1866? A 1867.
- Q Now if Mr. Barbrick says that he separated from his wife in 1866? A He can say if he so if he wish but it won't agree with my understanding or remembrance.
- Q Do you know anything about Mr. Barbrick having sold or loaned something to this Steve Lynch? A I don't think of it.
- Q Do you know anything about Mr. Barbrick corresponding with your husband after he had gone away? A If he did it I have no knowledge of it.
- Q Do you know anything about Stephen Lynch going from your place horse back in the fall of 1866 about October? A No sir, I don't know anything about it.
- Q Do you know anything about a colored man coming from the Cherokee Nation to your home in the fall of 1866? A He didn't come to my house he probably come to Lynch's.
- Q Do you remember about the time Lynch went away from there? A Yes sir.
- Q What year was that? A 1867.
- Q How do you remember it was 1867? A Well because he was there from 1863 until 1867, he made 5 crops on the place.
- Q Crop in '63, '64, '65, '66 and '67? A Yes sir.
- Q Now do you remember about their going away, leaving your place in the fall of 1867 that you mentioned? A Yes sir.
- Q How did they go away? A With wagons.
- Q How many wagons? A My remembrance they had two but I can't state anything about that, but he had wagons, I don't know a thing about it.
- Q Had he been making preparation for sometime to come to the Territory? A I presume he had.
- Q Had he been waiting for some one to bring him here? A I don't know about that.
- Q Had he employed a white man? A I don't know anything about that.
- Q Did he come to the Cherokee nation in the fall of 1866 by himself? A I don't know if he did.

- Q Did you ever hear of it? A No sir, I have no knowledge of it.
- Q Do you remember anything more than that about Stephen Lynch, any more than what this record shows? A Yes sir, I remember seeing him over there, chopping wood at my door and was working for me.
- Q Was he over there every day? A I wont swear every day, he might have been working for a neighbor.
- Q He might have been gone a week at a time? A I don't know that.
- Q He might have been gone a month at a time? A He wasn't gone a month without my knowing it.
- Q Was there any other Steves your husband kept accounts with? A I don't remember of any, if there was I don't know anything about it.
- Q Do you remember when other colored men worked for your people?
- A Yes sir, William Buffington.
- Q Was he a brother of Steve Lynch? A Yes sir.
- Q Would you have remembered in regard to these matters if it hadn't have been with these records? A Would have with regard to Steve Lynch, would not have remembered Buffington so well because I saw so little of him? I remember seeing him about the time that Steve came to our place, he lived on a neighbor west of us. Then he was lost to me for a number of years, I don't know just how long then he lived south of me there, I can't remember the exact date but I remember seeing them together. I remember seeing him occasionally at his brothers. I can't tell you how I remember all these things, I remember seeing this family of Lynch's in the fall of 1862 and they didn't move on to our place until the spring of 1863. In the spring of 1863 they moved there and I remember them all the while. Nearly every day some member of their family passed by our house.
- Q Are you in a habit of remembering those things distinctly? A I would think so, they were the first darkies I ever had any knowledge of except when I was a child I met one and I kept on my side of the road and he kept on his, I was afraid of him.
- Q But you do remember that Steve didn't come down to the Cherokee Nation in the fall of 1866? A I wont say he didn't, if he came I have no remembrance of it.
- Q But you say you don't know whether he didn't? A I say I would not say whether he did or not but I will say so far as my knowledge goes that he did not.
- Q It has been testified here by a dozen or 15 persons that a certain man named Crap Lynch went from the Cherokee Nation to the State of Kansas and assisted Steve to move back in the fall of 1866, got here about Christmas, then it is in the testimony that he may have gone back and worked for something to live on as all these darkies used to do, as they were in very hard circumstances down here, do you know whether or not that is true? A His family never left our place.
- Q And these 10 or 15 persons are perjured are they? A I am not going to pass on what they do, I only know what I know.
- Q Did you see this book written? A Yes sir, I can't say that I saw every article written.
- Q You know they haven't been changed since they were written? A Yes sir.
- Q And you know they were written right in the first place? A Yes sir.

Mr.avenport: I want to call attention to the diary of 1866 and offer the entries under the respective dates which I will give: Under June 29, 1866, "Stacked Steve's wheat. A shower about one o'clock, it was in the night." Under date of August 19, 1866, "Frost this morn. slight says Steve. Stack hay today."

Under date of September 5, 1866, "Stack hay, Steve helps." Under date of September 16, 1866, "Commence grinding Steve's sugar cane in P. M." September 24, 1866, "Continue making molasses for Steve." September 16, 1866, "Finish Steve's molasses, 45 gallons in all. Got 1/4 for use of mill, strip cane in P. M." Under date of September 20, 1866, "Raining A.M., P.M. commence grinding sorgum cane in P. M. boys and Steve." Under date of September 27, 1866, "Steve all day, boys 1/2 day." Under date of September 24, 1866, "Go to District Court, Steve and boys, Frear, and Mulbert and Paginton work at molasses." Under date of September 29, 1866, "At District Court, discharged from duty of G.J. Give Frear 5 gallons molasses for labor, 250 gallons made and raised on the place, 45 Steve's, 100 mChas.s." Under date of October 8, 1866, "Paid Steve for work, \$5.00." I desire to offer all these entries Mr. Emerson made in his diary in 1866."

ON BEHALF OF THE COMMISSIONER:

Q These books and diary entries, entries of which have been entered in the record were they made during the years 1866 and 1867?

A Yes sir

Q The entries made in the books were they made on the dates appearing opposite the entries? A Yes sir.

Q Were they all made in your husband's hand writing? A Yes sir.

Q You say Steve Lynch's wife was named Peggie? A Yes sir.

Q Did they have any children? A Yes sir.

Q Do you know their names? A Yes sir, I know the children they brought there with them, Jesse, Bill, Vin and Julian, and born on the place, Nettie and Judie, and one called Sarah, she died died when about two months old.

Q Was Judie born on the place? A Yes sir.

Q Did Judie leave for the Cherokee Nation when Steve and Peggie did? A Yes sir, came with her parents at the same time.

Q Did Stephen Lynch make a crop on her husband's place in 1863?

A Yes sir.

Q And 1864? A Yes sir,

Q And 1865? A Yes sir.

And 1866? A Yes sir.

Q And 1867? A Yes sir.

Q Now did you ever miss him from your place for any period more than a few days say a week at any time during the years 1863 to 1867?

A No sir, I didn't.

Q Are you positive that he and his family live on your place in 1866 during the whole of the year? A Yes sir, they lived there the whole of the year 1866, his family was there all the time.

Q And did he live there until 1867? A Yes sir.

Q That was the fall I believe he went away? A Yes sir.

Q And do you refresh your memory by your husband's diary? A My memory serves me for that distinctly, I remember that.

BY MR. BULGER:

Q Do you remember what year the Boston fire was? A I don't know.

Q Do you remember what year the Chicago fire was? A I don't know.

Q How old are you? A I am 71, I was born in the year 1834.

Q Do you remember when the Mexican war began? A I have some remembrance of that.

Q Do you know the date? A No sir, I never studied history to fix it in my mind. I remember it I was just a young woman, I remember of them calling for volunteers at the time.

- Q Do you remember the name of some battle that took place in the Mexican war? A No sir, I never studied history.
- Q Do you remember who ran for President in the election when Buchanan was elected? A I am not certain that I do.
- Q Do you remember who ran for President against Lincoln the first time he ran? A No sir, I don't think I do.
- Q Do you remember when the Civil war began? A In 1861.
- Q What day? A It was in April, I can't state the exact date.
- Q Do you remember when Lincoln was killed? A I remember the time but I can't give the date.
- Q You don't remember the year? A No sir.
- Q In fact your memory in regard to this is rather poor? A I can remember the birth of my children and all these things. My only son was born in the fall I first saw Peggie, now do you suppose I could remember a date from that.
- Q Do you remember the date? A I remember the date of my son's birth it was in September.
- Q What date was that? A In 1862, and I saw Peggie that year, she worked for me after my son was born and I remember them when they came to our place the next year, and then the birth of my daughter Mary followed and Steve's daughter Lottie followed in three weeks, my daughter was born in 1864, and this child of his was born in 1865, my daughter was born the last of the year.
- Q Was anybody born in 1866 that you know of? A I can't place the date, none of my children.
- Q Was anybody born in the fall of 1867 that makes you remember that so distinctly? A I remember the whooping cough that that child had at that time.

WITNESS EXCUSED.

LYSENA CARLISLE, being first duly sworn, testified as follows on behalf of the Cherokee nation:

BY MR. DAVENPORT:

- Q What is your name? A Lysena Carlisle.
- Q What is your post office? A Parlinville, Kansas.
- Q How long have you lived in or near there? A I have lived there ever since the year 1857.
- Q What is your age now? A 53.
- Q Do you know where Mrs. Humiston's farm is? A Yes sir.
- Q How long have you known where that farm was? A Ever since I can remember.
- Q Were you around there just after the close of the war or the first two years after the close? A Yes sir, I was over there every once in a while.
- Q Did you ever know any colored people that lived on the farm there? A Yes sir.
- Q Did you learn their names? A Yes sir.
- Q What was their names? A Steve Lynch.
- Q Did you know his family? A Yes sir.
- Q Did you know what his wife's name was? A Peggie.
- Q Do you remember any of the children's name? A I remember the three oldest ones.
- Q What were their names? A Jesse, Bill and Vina.
- Q You don't remember any of the others? A I don't remember their names.
- Q Do you remember any year special that they were living on this farm of Mrs. Humiston's? A Yes sir.

- Q What year was that? A I remember they were living there the latter part of 1865 and were living there in 1866 and I know and then I seen them up there off and on until the year 1867.
- Q Did you see them in 1867 up there? A Yes sir.
- Q What part of the year? A It was in February.
- Q Did you see Peggie or any of the family there then? A Yes sir.
- Q Do you know when they moved up there on the farm? A No sir, I don't know when they moved there.
- Q How far did you live at that time from Humiston's farm? A About a mile.
- Q How long had you lived that near them? A Ever since I had gone there.

BY MR. RUIGER:

- Q Were you born in 1857? A No sir.
- Q When were you born? A In 1852.
- Q Then you were about 14 years old in 1867? A Yes sir.
- Q And you claim to remember distinctly that you saw Steve Lynch's family at this place in February, 1867? A Yes sir.
- Q How far was it from your house to his? A Well it wasn't quite a mile there where Steve Lynch lived to where we lived.
- Q Were you out there frequently? A Yes sir, passed by there several times.
- Q Were you sufficiently acquainted with them in the fall of 1866 to keep track of their location? A Well they were there but I don't know.
- Q Don't know it? A No sir, I don't.
- Q Is it probably that Steve Lynch could have come to the Cherokee Nation in the fall of 1866 say in October and then have returned to his home up there and you not know it? A I hardly think so.
- Q You were keeping very close tab on Mr. Lynch were you? A I don't know as I was in particular, I would visit with Mrs. Emerson children and would have to pass their cabin nearly whenever I went to visit with her daughters.
- Q The passing of their cabin going to visit Mrs. Emerson's children impressed it upon your mind that they might have been there?
- A They were there because I saw them.
- Q Did you see them there in the fall, October, did you see them there in November, 1866? A I couldn't say whether I did or not.
- Q Did you see them there in December, 1866? A I couldn't say.
- Q Did you see them there in January, 1867? A I don't remember whether I did or not.
- Q Did you see them there in February? A Yes sir, they were there then.
- Q What makes you remember it? A Well Peggie worked for my step-mother in February and the reason I know it so distinctly was because there was a child born and she worked for her afterwards, and I know the date of the birth.
- Q Do you remember them up there in July and August that year do you, in 1867? A They were there during the summer but I couldn't say exactly when.
- Q You saw them there sometime during the summer? A Yes sir, because she was at our house frequently during the summer, Peggie was.
- Q Do you remember this Bill Buffington? A I remember him a little of him.
- Q Do you remember him being around there all the time continuously? A I don't remember him being there all the time.
- Q When you saw Peggie so frequently did you see Steve at these times? A Yes sir, I would see Steve.

- Q He was always with Peggie? A Not always.
- Q Was he over to your step mother's? A No sir.
- Q Then during the month of December, November and January you don't know anything about them? A I couldn't say positively.

WITNESS EXCUSED.

This case was here continued by agreement until January 4, 1906, at nine o'clock A. M.

-----oOo-----

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 5th day of January, 1906.

(Seal)

B. P. Rasmus

Notary Public.

Cherokee Freedman D 393.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 4, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JACOB REAY ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, J. J. Bulger.
For Cherokee nation, James S. Davenport.

ON BEHALF OF THE COMMISSIONER:

The records of this office show that the hearing in this case was continued from December 21, 1905, to January 4, 1906. The applicant appears by her Attorney, J. J. Bulger, and the Cherokee Nation by its representative, James S. Davenport, who announces that they have no further testimony to introduce on this day, the case will be closed and a decision rendered on the evidence heretofore introduced.

-----oOo-----

Geo. H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lesley

Subscribed and sworn to before me this 6th day of January, 1906.

(Seal)

B. P. Rasmus.

Notary Public.

Cherokee Freedman R 302 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 10, 1907.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application
for the enrollment of JESSE VANN, ET AL., as Cherokee Freedmen.

APPEARANCES:

For Applicants, STARR & PATTEN.
For Cherokee nation W. W. HASTINGS.

On April 14, 1906, the Department remanded this case for a rehearing. The applicants and the Attorney for the Cherokee Nation were duly notified thereof, and this case set for trial on this day, at which time the following proceedings were had:

J. D. McRAE, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q State your name? A J. D. McRae.
Q How old are you? A 71.
Q What is your postoffice? A Goodrich, Kansas.
Q Is that in Lynn County? A Yes sir.
Q How long have you lived in Lynn County? A 41 years - think, will be 42 soon.
Q What year did you go to Lynn County in? A 1865.
Q In the year of 1866 where were you living? A In Lynn County near the town of Farlinville.
Q At that time were you acquainted with a man named Emerson? A Yes sir.
Q How far did you live from Mr. Emerson's place? A West a half mile.
Q While you were living near to Mr. Emerson's place did you ever become acquainted with a colored man named Stephen Lynch? A Yes sir.
Q Did he have a family there? A Yes sir.
Q Was he living on Mr. Emerson's place in 1866? A Yes sir.
Q Now about how far did you live from where Stephen Lynch lived? A About a half mile.

- Q And did he have any boys, or do you know? A Had two boys, Jesse and William.
- Q After you became acquainted with Stephen Lynch there living on the Emerson place in 1866, while you were living in that community, then, or about when, do you remember, did he leave that place; when did he leave, about when? A Sometime in the fall of 1866.
- Q Now did you know, or from hearing him talk ever learn from where he had come before he came to Kansas? A I always understood that he was a Cherokee colored man.
- Q You say he ~~lived there~~ left there sometime in the fall of 1866? A 1866.
- Q Now did he ever come back up there in Kansas after he left in the fall of 1866? A Yes sir, I saw him there in 1867 sometime, early in the season but don't remember the date.
- Q Did you see him and talked to him during 1867? A Yes sir.
- Q Did he tell you anything about where he had been during that interval of time? A I don't remember.
- Q Don't remember that? A No sir.
- Q Was he up there sometime during the summer of 1867; back up there? A He was sometime during 1867.
- Q Did he work around there for Mr. Emerson, or in that same community that he had been before he left? A I don't remember him working in 1867; I wasn't living,---I had moved in 1867 away from the Emerson place a little farther west.
- Q Well how far did you live then in 1867 from the Emerson place? A Three miles.
- Q Now how long, if you remember, or about when did he leave there in 1867, if he left, about when? A I can't fix the date, but he left with his family sometime during that summer or it might have been the fall, but I think it was in the summer time.
- Q Did you ever hear as to where he went when he left these times? A Oh he was going right to his claim in the Cherokee nation. That was always understood when he left the last time.
- Q How long did you continue to live in that immediate neighborhood after that Mr. McRaie? A For 25 years excepting one year.
- Q Have you ever known or seen him up there since then? A No sir.

BY MR. HASTINGS:

- Q Where did you come from to Lynn County, Kansas? A From Indiana.
- Q Were you married when you came there? A Yes sir.
- Q Did you buy property or were you living on others' property? A I hadn't bought property yet at that time, I worked Mr. Emerson's farm part of it the same season, that is in 1866, and Lynch worked a part of the farm; my recollection is that he had a lease on a part of the Emerson farm.
- Q Well I didn't ask you about that; now when did you go to the Emerson farm? A In April, 1866.
- Q How far from there did you live before going to the Emerson farm? A (It was about three miles.

- Q What direction? A West.
- Q When did you first get acquainted with Mr. Emerson? In 1865.
- Q Did you have any business transactions with him prior to April, 1866? A No sir.
- Q Then you moved upon his farm in April, 1866? A I didn't live on his farm, I lived on the adjoining farm but worked his farm.
- Q Then you moved upon the adjoining farm in April, 1866? A Yes sir.
- Q And you cultivated a part of his farm for the year 1866? A Yes sir.
- Q What time of the year of 1866 did you move away from there? A I didn't move away until 1867.
- Q What time in 1867 did you move? A I think it was February.
- Q That was in the month of February, 1867? A Yes sir.
- Q How far did you move from there when you moved away at that time? A I think it was about three miles.
- Q And upon whose farm? A I had bought a farm and moved to it.
- Q Did you do any work for Mr. Emerson after that time, during that year? A During the year 1867?
- Q Yes, and after moving off of the place? A I have no recollection of doing any work in 1867.
- Q Now you stated that you knew colored man by the name of Stephen Henry Lynch? A Yes sir.
- Q And that you knew his wife Peggie? A Yes sir.
- Q They had some children, did they? A Two boys that I remember. Jesse the older one and William.
- Q Did they have any other children, or step-children? A I don't know.
- Q Where did they live then with reference to where Emerson lived? A They were living on the Emerson farm, and the two houses were close together.
- Q About what distance were they apart? A About a block I should say, or may be a little more.
- Q That was out in the country however, and one was in plain view of the other? A There was some brush in between.
- Q A block you say, less than 100 yards apart? A About 300 y rds.
- Q Well do you remember Stephen Henry Lynch's wife, Peggie? A I have just a faint recollection of her; you mean her looks.
- Q I say, do you remember her? A Yes sir, I remember her.
- Q You have just a faint recollection of her looks? A Yes sir.
- Q Have you any distinct recollection of these boys? A Yes sir, Jesse was larger and appeared to have a good deal more of the negro than William; William was much brighter than Jesse.
- Q About what time did Stephen Henry Lynch leave there as you stated, I mean what time of the year? A In the fall of 1866.
- Q That is not the proposition, I am not asking you to give the year but what time in that fall? A The exact time I couldn't tell.
- Q Well is it your judgment he left there in September? A It was either September or October.

- Q Well you never saw him then any more until after you left the adjoining place? A No sir.
- Q You never saw him after he left there in September or October, 1866, until after you left the adjoining place in February, 1867? A Yes sir, it was after February, 1867, before I saw him again.
- Q I mean when you left the adjoining place as I have understood you, you have testified that you lived upon the adjoining place and cultivated the Emerson place, that is the way of it, is it? A Yes sir.
- Q Now from say September or October, 1866, how far were you living from this Emerson place, were you living on the adjoining farm there as you stated? A I was living on the adjoining farm until sometime in February, ~~1867~~ 1867.
- Q Well you didn't have any occasion to work out, for Mr. Emerson did you, that winter? A No sir.
- Q And it has been a long time ago and are you willing now to swear that between those dates Stephen Henry Lynch and his family were not living there on that farm of Mr. Emerson's? A I couldn't swear as to that only that I didn't see them.
- Q Your attention was not directed to them? A No sir.
- Q Well now Mr. McRae, you haven't testified as to yet about that family; in the fall of 1866 didn't they so far as your knowledge and information remain there continuously during that fall and winter in that ~~that~~ cabin upon the Emerson place? A I couldn't say as to that; they might have been there.
- Q Well you are not disputing that? A No sir.
- Q You are not testifying as to the family at all? A No sir.
- Q Then as I understand you, you don't know as to that? A No sir.
- Q Now then as I understand you Mr. McRae you were there in December, during the month of December on this adjoining farm, in 1866? A Yes sir.
- Q And you want your testimony to be to this effect only, namely, that you didn't see Stephen Henry Lynch but you are not willing to testify positively that he wasn't there? A I don't see how I could positively; he left there, there is no question about that.
- Q Well how had he left, lets go into that? A I don't know about that, only that he was missing from there.
- Q You mean to say that for a time you didn't see him? A Yes sir, that is it.
- Q You didn't see him leave the place, did you? A No sir.
- Q You didn't see his family when they left, nor did you see his family leave at all did you, you haven't testified as to that? A No sir.
- Q Well now tell us what your memory of 40 years ago is about Stephen Henry Lynch leaving; you haven't any independent distinct recollection about him leaving except that your recollection now is that he was gone awhile? A That is about it.
- Q That is about what you want to testify? A Yes sir.
- Q And you don't know whether he left by himself or not? A I don't.

- Q Well you don't remember then whether you were over there to where this cabin was during the months of December, 1866, and January, 1867? A No sir, I don't.
- Q Then so far as you know this family might have been living there during the months of December, 1866 and January, 1867, and up until February, 1867, when you left there? A As far as I positively remember.
- Q Then you never worked any for Mr. Emerson after February of 1867 during that year of 1867? A I have no recollection of it.
- Q Now you are only testifying of your independent recollection, haven't any data of what transpired 40 years ago, aren't you? A Yes sir.
- Q Well did you have occasion to be over there to the Emerson place after you left there in February, 1867? A I don't remember any special occasion.
- Q Well do you remember being back upon the Emerson farm during the year of 1867, after leaving there in February, 1867? A I have no distinct recollection.
- Q Then if you were ever back upon the Emerson farm after February, 1867, you have no recollection of it now? A No distinct recollection.
- Q Well then as I understand you, you have got no distinct recollection of ever having seen Stephen Henry Riley after sometime in the fall of 1866 because you left there in February, 1867, and up to that time you stated you never saw him and you have got no distinct recollection of having gone back to the Emerson place after you left there; now then have you got any distinct recollection of ever seeing Stephen Henry Lynch after you missed him in the fall of 1866? A Yes sir.
- Q When did you see him? A The time, it was in 1867.
- Q Now I mean the first time that you ever did see him in the year 1867 and after you left the Emerson farm? A I can't recollect where I met him in 1867 but I met him and traded horses with him.
- Q Well is that the first time that you have got any distinct recollection of having seen him in 1867? A Yes sir.
- Q That is your first recollection of it? A Yes sir.
- Q When was that? A I couldn't, ---I have no recollection as to the time.
- Q Well is that the first and only time that you remember of seeing Stephen Henry Lynch in the year 1867? A A short time after that he came back with his horse that I traded him and wanted to rule back as he was on his way to the station and the horse that I let him have didn't work well.
- Q Well do you know when that was? A No sir, I don't; I can't recollect the exact time only it was in 1867, somewhere in 1867.
- Q Well do you know whether it was in the spring, summer, fall or winter? A It was either in the last of summer or fall.
- Q Well was those the only two times that you ever remember of seeing him? A These are the only two times, yes sir, in 1867.
- Q And those are the only two times that you remember of seeing him since the fall of 1866? A Yes sir.

- Q Well Mr. McRae, you are not now attempting to swear that you didn't see him frequently in between times, are you? A Between--
- Q Between the fall of 1866 and the time you traded horses? A I have no recollection of seeing him in 1867 except on these two occasions, when we traded horses.
- Q But still you would not be willing to swear that you didn't see him, would you? A I think so.
- Q Well now I want to know whether you are going to be positive about it? A I am, my recollection is that I didn't see him only on these two occasions.
- Q Do you remember how long it was between the time you traded the horse and the time he wanted to rule back with you? A No sir.
- Q You know Mrs. Humiston? A Yes sir.
- Q She was formerly Mrs. Emerson? A Yes sir.
- Q And this is the same Emerson family about whom you have been testifying? A Yes sir.
- Q Then as I understand you, you have testified the only two times that you saw Stephen Henry Lynch in 1867 was when you traded horses with him, and then when he come to rule back?
- Q A That is the only distinct recollection I have of seeing him.
- Q You don't know how long he had been there when you traded horses with him? A No sir.
- Q What was the condition of your health in the fall and winter of 1866? A In the fall of 1866 I was sick, in September and first of October, and was reasonably well from that on.
- Q I believe you have already testified that you didn't see Stephen Henry Lynch, and you don't know whether his family remained there or not during that winter? A No sir.
- Q You are not testifying that his family lived there? A No sir.
- Q Then you are testifying that his family came back in the spring of 1867; you never did see his family there? A I have no recollection of seeing the family except the boys, in 1867.
- Q Where did you see the boys and when? A I saw them at our place in 1867 one time they came there.
- Q About when? A I have no distinct recollect of what time.
- Q Was it after or before you moved? A It was after I had moved.
- Q Are you prepared to dispute under oath that Stephen Henry Lynch worked for Mr. Emerson fourteen and one half days in the month of January, 1867? A No sir.
- Q Are you prepared to swear that Jesse Vann did not work for him two days during that month of 1867? A I don't know anything about that.
- Q Are you prepared to state and swear under oath that Stephen Henry Lynch was not upon the Emerson farm on the 9th day of December, 1866? A No sir.
- Q You went swear that? A No sir.
- Q Are you prepared to swear that the family of Stephen Henry Lynch ever left up there prior to the time that he traded horses with you? A No sir.
- Q Then if that is stated in your affidavit that is filled here, namely, that the family left there in the fall of 1866, you didn't intend to state that? A How was it stated?

- Q "In the fall of 1866 they left here (they referring both to Peggie and the boys, Jesse and William, who you have mentioned) and I understood at that time and heard that he went to the Cherokee nation to get his citizenship rights and to get him a place." Now did you mean to include all of them or just the old man? A Just the old man.
- Q Now did you intend to say in that affidavit that they were gone several months referring to the entire family or was your affidavit intended from first and last to refer exclusively to the old man? A Exclusively to the old man, excepting when they left,-----
- Q Finally after trading horses? A Yes sir.
- Q Well until after you traded horses with reference to their leaving up there, now you intended to testify exclusively with reference to the old man? A Yes sir.
- Q Your testimony now is to the effect simply that you didn't see him for sometime from the fall of 1866 until you traded horses with him? A Until the spring of 1867, yes sir.
- Q You just awhile ago testified that you never saw him in the spring of 1867 at all, until you traded horses with him? A That was the time, yes sir.
- Q You traded horses then in the spring of 1867? A That was my recollection, it was sometime in 1867.
- Q Well is it your recollection it was the spring of 1867? A That is my recollection, yes sir.
- Q And you say a few days thereafter he came back to get you to rule back with him? A I have no distinct recollection of how long it was, afterwards sometime.
- Q Well your just judgment now; you have some idea about how long that you kept his horse, a week or ten days, longer or shorter? A Probably ten days, a short time.
- Q And do you think that was in the spring of 1867? A Sometime in 1867.
- Q Now you used the word awhile ago, the spring of 1867, when you traded horses with him? That is my recollection, it was in the spring or early summer.
- Q And it is your recollection that he kept the horse about a week or ten days? A Well it might be longer.
- Q But that is your best judgment? A Yes sir.
- Q And you have also testified that he had started to go to the Cherokee nation and had come back when he ruled back with you? A Yes sir.
- Q Then you really haven't any distinct recollection of when he did start to the Cherokee nation, have you? A No sir.
- Q You have got no record testimony in your pocket that aids your memory? A No sir.
- Q And you are just now testifying from your own independent recollection? A From memory.
- Q And you wouldn't testify now that this man Stephen Henry Lynch wasn't up there on March 6, 1867, would you? A No sir.
- Q You would not testify he wasn't there on March 24, 1867, would you? A No sir.

- Q You would not testify he didn't make a crop there in the year 1867, would you? A No sir.
- Q You would not be willing now to testify that he didn't stay there as late as October, 1867, would you? A No sir.

BY MR. PATTEN:

- Q Did you live on that same place that you say was about a half mile from the Emerson place ; did you live on that same place from the fall of 1866 until February, 1867? A Yes sir.
- Q That was about a half mile away from it? A Yes sir.
- Q Well, I will ask you this question from along in the fall, say October or November, about that time, from then until February, 1867, during that interval of time, did you live on that place near the Emerson place, have you, of your own independent recollection any recollection of seeing Stephen Henry Lynch's family during that interval of time? A The children, that is the boys, I have, I remember distinctly seeing sometime in the fall of 1866, and then again after I had moved I saw them once; that was in the spring or summer of 1867.
- Q You say Emerson's house and the house that Stephen Lynch and his family lived in was right close together? A About 300 yards apart.
- Q At the time you traded horses with him and he came back to rule back, had he started to leave there again, or had he started to leave and then come back and traded back with you? A He started to leave and came back to rule back sometime after I traded.
- Q The horse that you traded to him, did he start to drive that off was that the horse that would not work? A Yes sir.
- Q Was that the reason he wanted to trade back? A Yes sir.

BY MR. HASTINGS:

- Q Well that was the first occasion that he had to drive him when he found he would not work? A I am not sure as to that.
- Q That was when he first found it out? A It perhaps was.
- Q You say you lived about a half mile off? A Up until February, yes sir.
- Q When did you buy this place three miles from there? A Month of January, I think.
- Q Of 1867? A Of 1867.
- Q You were then preparing to move over on this new place? A Yes sir.
- Q Did you have any building to do over there? A No sir.
- Q But you simply meant to say that you had no occasion to watch these colored people and you don't know whether they were living there or not? A No sir.

BY MR. PATTEN:

- Q What is your occupation Mr. McRae? A At that time I was a farmer.
Q Merchant now? A Merchant now, yes sir.

BY MR. HASTINGS:

- Q If a Diary kept by Mr. Emerson shows that Stephen Henry Lynch worked for him fourteen and one half days during the month of January, 1867, are you prepared to dispute it? A No sir.
Q And four days in December, 1866, are you prepared to dispute it? A No sir.

(Witness excused).

THOMAS BARWICK, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q What is your name? A Thomas Barwick.
Q How old are you? A 62 years of age, will be 63 the 13th day of next May.
Q What is your postoffice? A Pleasanton, Kansas, Lynn County.
Q How long have you been a resident of Lynn County? A Well I count it from 1863.
Q Were you living in Lynn County in 1863? A Yes sir.
Q Where were you living at that time? A I was living at Mound City.
Q Where were you living in 1866? A I was living on a farm a mile east of Mound City.
Q In 1866 were you acquainted with a man by the name of Emerson? A Yes sir.
Q Where was he living at that time? A About nine miles south of Mound City on a farm, homestead.
Q About that time did you ever work occasionally for Mr. Emerson, or any thing like that, that would occasion you to become well acquainted with him? A Well I had a notion I wanted to become a Civil Engineer and Mr. Emerson was County Surveyor and I worked for him some, and sometimes I got pay for it and sometimes I didn't.
Q While around Mr. Emerson did you ever become acquainted with a colored man named Stephen Lynch? A Yes sir, I did.
Q Did he have a family? A Yes sir.
Q Did he have any boys? A Yes sir, I think he had some boys.
Q Did you ever know their names at that time? A No sir, I didn't know their names.

- Q Didn't recollect their names? No sir, I didn't become familiar with the family.
- Q Did this fellow Stephen Lynch live on Emerson's place? A Yes sir, in a little cabin there.
- Q You become acquainted with Stephen himself better than the rest of the family? A Yes sir.
- Q Did you ever understand by conversation with him where he come from? A Yes sir, said he was from the Cherokee Nation.
- Q Did you ever hear him during that time, hear him talk of the Nation and what was going on down here or about coming back here any time? A Yes sir, he used to say he would have about four times as much land as a common homestead would be.
- Q Well he worked there for Mr. Emerson? A Yes sir.
- Q Well when, if you remember, was the first time that you remember that Stephen Lynch left Emerson's place up there, left that community? A Well in regard to that matter I desire to be fair to all parties, but I really have no dates at the time that Mr. Lynch left there, I didn't keep no record and the statement that I may make is from memory.
- Q Well get at it as near as you can? A It has been about 40 years ago; it is a long while; now you want me to answer about his coming away from there; I think he went away from there sometime late in the fall of 1866, that is my best opinion about it and my recollection as near as I can recollect it; it seems to me that to be a correct statement.
- Q You think then he left sometime in the fall of 1866? A Yes sir, I couldn't do it or nothing of that kind only the year is plainly impressed upon my mind.
- Q How do you fix it was 1866? A Well I was married in 1865 and of course in the course of human events and child was born in our family August 15, 1866, and we didn't get to go to Emerson's for quite a long while afterwards, and we lived ten miles from there and had to stay at home with the child; that is one thing, the most important thing, I looked that matter up before I started down here and I am correct according to my Bible records about the birth of the child.
- Q Did you go to Emerson's sometime after that child was born? A Yes sir, that is my recollection, we went over there, my wife and Mrs. Emerson were friendly; while old Mrs. Emerson was kind of an aristocratic old lady but my wife went there; of course she took the baby along; I didn't stay long, I was busy, I was always counted a hustler.
- Q And after the fall of 1866 did Stephen Lynch ever come back up there after that? A My recollection is he came back, yes.
- Q When did he come back according to your recollection? A It was late in the spring of 1867.
- Q Did he work around there for Emerson for sometime that summer? A If he was on the farm, he did.
- Q Well do you know after he came back up there in the spring of 1867, do you know whether he left there again or not, whether he stayed there or left? A I think he was there all that summer.

- Q And about when did he leave that time? A He left again sometime late in the fall as near as I can recollect; I couldn't state that there.
- Q Did you see him after he came back up there in 1867 any time? A Yes sir, I saw him.
- Q Have any talk with him when you saw him, talk to him or anything like that? A Yes sir, I talked with him once or twice.
- Q Did he say anything about where he had been while he was gone, from his talk did you understand where he had been? A My recollection of it is he told me he had been to the Territory; that is the way it seems to me now; Mr. Emerson talked to me some about it and Mr. Emerson's conversation is more impressed upon my mind than the other fellows, but I can't prove none of it because the parties are all dead.
- Q Now what did you understand from conversation with other parties there, with Stephen Lynch?

MR. HASTINGS:

I am going to object if he is going to tell the conversation that this man had with other fellows around in there and in the presence of Stephen Henry Lynch.

MR. PATTEN:

I ask this for this reason, this is an old matter and I contend that it is proper evidence to prove all what was generally understood, all information that this man acquired by general conversation from Stephen Lynch and the people he associated with there.

- Q What did you understand from what Stephen Lynch told you where he had been and what he had been doing all the time he had been gone? A He just merely told me he had traded for a claim down in the Territory; I didn't know anything about the particulars at all.
- Q Did he say he had it at that time? A Yes sir, and another statement he made to me was that he had to get back to it in time to make hay.
- Q You saw him up there in 1867 and about the substance of what he told you was while he was gone he had got him a place down there, was it?

MR. HASTINGS:

I desire to enter my objection to that question because it is clearly leading and this is a witness introduced on behalf of the applicants and the witness ought not to be led.

ON BEHALF OF THE COMMISSIONER:

The objection will be noted.

A He had got him a claim; that is the way we had in those days, speaking about a claim.

- Q What was it he said about cutting hay? A Said he had to get back to it in time to make hay; I remember that distinctly, it seemed somehow or other; well he had a good record and worked hard and of course he wanted to make some hay.
- Q Did he leave that community again sometime in 1867 later on? A Well I couldn't say when he left or anything about that. I know I was up there along sometime and they were gone.
- Q Have you seen him or known him up there since then? A Never saw him; I think about the last time I saw Mr. Lynch was sometime during the summer of 1867; I wasn't familiar with him, that is I didn't associate with him or anything of that kind, I just merely knew him.

BY MR. HASTINGS:

- Q About what time in the summer of 1867 the last time you saw him? A Well I couldn't just say, I am not sure whether I saw him in Mound City or Farlinville, it was one of the twotowns; I am not sure which of the towns it was in; I know I wasn't there at the place, I know that.
- Q You mean you were not over at the Emerson place? A No sir, I wasn't over there at that time.
- Q About how far did you live from the Emerson place at that time? A Ten miles.
- Q Then you never did live upon the Emerson place while Stephen Henry Lynch and his family lived there? A To say we made our home there I would answer that question no.
- Q You were living ten miles from there? A Well it is fully ten miles, maybe not quite that far; it is counted twelve miles to Farlinville and nine miles to the Emerson place from Mound City.
- Q I don't believe I have got in any way clear from you the time you last saw him, you said it was in either Mound City or Farlinville; what I am trying to get, not the place, but your best judgment as to the time? A It was sometime in the summer; I was hauling goods and it was on one of those trips I saw him.
- Q Now of the three months in the summer, June, July and August, now which of those months do you think was the last time you saw him? A I would like to answer that question, but I can't because of the fact that I have no data to go by, but I know it was in the summer time, because the roads were in good condition and I was making money.
- Q You knew it was one of those three months? A Yes sir, I wasn't in the spring, it was in the summer; if I made a statement I would say anywhere from the first of July to the first of September.
- Q Now what were you doing during those months? A I think I was hauling goods, freighting there.
- Q Between what places? A Westport and Kansas City, what is now Westport and Fort Scott; I used to haul for some firms at Fort Scott.

- Q Did you freight principally during the year 1867? A No sir, I didn't, I was a little erratic and done a little bit of everything; I wasn't satisfied anyway, I didn't like the country; I was dissatisfied and disheartened and I was cussing the country all the time.
- Q That is hardly an answer, I was asking you about what you were doing while you were cussing the country? A Well it has been so long ago; I couldn't give a detail account.
- Q Did you make a crop? A I never farmed but once and that was in 1866 and Mr. Emerson and Lynch showed me how.
- Q On the Emerson farm? A No, a mile east of Mound City.
- Q How far was that from Emerson's? A Ten miles.
- Q Ad you put in a crop there? A Yes sir.
- Q What did you do in the fall of 1866, in September, October and November? A I was taking care of my corn and trying to get a living.
- Q What did you do now, say in the fall of 1867, September, October and November? A Well I was either on the road,-- don't remember just what I did do; I was either on the road freighting or else I was freighting around home, around Mound City, hauling sand or something like that.
- Q That was about ten miles from the Emerson place? A Yes sir; Mound City is nine miles; you see I moved in,--I changed about a good deal and I tried to get my wife to coach me a little on that point.
- Q Your memory then is rather treacherous about dates? A I will have to confess that that is so; that has been so long ago but if it had been back to 1870 I could remember it because it has been more to my liking.
- Q Well what became of Stephen Henry Lynch's family in the fall of 1866? A I don't know what became of them but my opinion is that they stayed there in the cabin.
- Q And remained there during that winter? A That is my opinion; I never knew them to go away.
- Q If they ever went away you never heard of it? A I don't think they went away; I think they remained on the Emerson farm that is my opinion about it; he might have got somebody else to take them but I don't believe the man had the means and I think they stayed right there.
- Q Now then you never worked for Mr. Emerson in the month of December, 1866? A I don't believe I did; I only worked for him once in a while, I didn't work steady for him.
- Q You never worked for him in the month of January, 1867? A I don't know whether I did or not; I ain't got no data; I couldn't swear I did or I didn't; I worked for him a little on and off around but I never kept no record of it.
- Q How as near as you can recollect tell when you commenced work for Mr. Emerson? A Well I worked for him some in 1864, a little in the surveying line.
- Q I mean down at his place, on his place? A I have no recollection of ever working for him on his place; if I did, I don't know it; it has been passed from my mind entirely.

- Q You don't have any recollection of that at all? A No sir; I don't believe I worked any on the farm, that is to say to try to farm, because I had a distaste for farming any how; I was always handy with tools and I might have built him a table, something like that.
- Q Well if you had worked there for two or three months, you would remember that? A Yes sir; I know I went away one time and he had sixteen or seventeen dollars he owed me and he didn't pay me the money and I told him to pay that to my wife and he gave her an order on a store.
- Q Where were you at the time? A I was out working; I would work two or three months maybe sometimes before I would get my pay. Q Were you in that neighborhood? Yes sir, I was in that neighborhood in 1866.
- Q Well when you told him to give the order to your wife? Well you have got me again; I couldn't say whether it was 1866 or 1867; that seems to impress it upon my mind because I had trouble getting my money out of Mr. Emerson, because he was poor at that time, but it wasn't no disgrace to be poor them days.
- Q What I'm trying to get at the year? A I couldn't give you the year.
- Q Well was it in 1866 that you did that work for him? A I couldn't say, I wouldn't like to swear to it.
- Q Well was that the same year that you speak of Stephen Henry Lynch leaving there that you worked for Emerson? A I must have been doing some work for him in 1866; I would give \$100 right now if I had a written record of it to show you.
- Q I am not asking about the written record? A I haven't got the written record, it's just from memory.
- Q That is not the point I am asking you, I am asking you, regardless of years, was it the same year that you worked for Emerson, that you are testifying about about what Stephen Henry Lynch should have said and done with reference to this country? A I suspect I done some work for Mr. Emerson, but I can't recollect whether I did or not, I can't remember.
- Q I don't think you are intentionally, but you are really evading the answer I am asking you; you have told about Stephen Henry Lynch living up there and you have told of some conversation you had with him and about him coming down here to make his suit and the thing and another I am asking you for instances of years, if that was when he was the same time while you were at work for Mr. Emerson? A Well, it must have been, I wouldn't say positively.
- Q But there is where you seen him? A It must have been, it is against me in the matter because I can't recollect him; I can't recollect the statement I couldn't swear to it; I wouldn't like to say whether it was 1866 or 1867.
- Q Now what, answer the question, Emerson, when you told me that you had some work for him, I asked you for some conversation, the first day in 1866, that you had with him, and you told me that you had with him and about him coming down here to make his suit and the thing and another I am asking you for instances of years, if that was when he was the same time while you were at work for Mr. Emerson? A No sir, I couldn't say, I wouldn't say positively.

Mr. Kennon, a lawyer, and I found out that written evidence was more important than oral evidence. I would not dispute what Mr. Emerson wrote there; and I would not dispute Mr. Emerson's word.

- Q Do you remember that on the very day that you commenced work for Mr. Emerson, namely Monday the 30th day of September, 1867, that that self same day that Mr. Emerson bought 6.76 acres of corn from Stephen Henry Lynch at \$7.50 per acre? A I don't remember anything about Mr. Emerson's business.
- Q Don't you know now after having your memory refreshed from this record that it was at that time that you had this talk with Stephen Henry Lynch and that he was there? A Well it might, have been, I don't know that it was, but it might have been.
- Q I am asking you now if you don't remember that while you were at work there that on the 9th day of October, 1867, that you had the chills? A I believe I remember that all right.
- Q Well I will ask you if you didn't chill for a good while, not only on the 9th of October but on the 10th and on the 11th, I will ask you if you don't now recollect that Mrs. Emerson went to a Doctor by the name of Kempton and got some medicine for you? A I believe what you say but I don't remember whether the medicine came.
- Q Do you remember a Doctor named Kempton? A No sir, I don't; I remember I laid down on a rock when I first had a chill; I know they gave me some medicine and doctored me up.
- Q I will ask you if you don't remember on Saturday October 12, 1867, if you and your family living there at Emerson's took his team and went to Oakwood to Henry and William Scott's? A Well we might have done that; I borrowed his team several times.
- Q Well now did you know a Henry and William Scott? A Yes sir.
- Q I will ask you if you remember while being there on the 14th day of October, 1867, if you got back there at noon from Henry and William Scott's at one o'clock and that Pagington was there digging potatoes and that you picked them up? A I don't remember that, I would not dispute the statement though.
- Q I will ask you if you remember the circumstance that on Tuesday, the 15th day of October that Barwick and Pagington were hauling fodder and corn west of the house? A No sir, I don't remember it.
- Q And I will ask you if you have any recollection upon that same day that Mr. Emerson paid Stephen Henry Lynch \$8.50? A No sir, I had nothing to do with Mr. Emerson's payments; I don't know nothing about it.
- Q Now then Mr. Barwick when I first called your attention to this you didn't remember Stephen working there at all during that fall, did you? A Well I am confronted with that thing, it must be something in it but I don't recollect no circumstances no more than if they never occurred now; that is just a fact.
- Q Now if you worked there as this diary of Mr. Emerson's shows, beginning on the 30th day of September, during the month of October and if Stephen Henry Lynch was there up until the 22nd of October, say for that length of time and worked there practically every day and lived in that little house, don't you now think that that must have been the time you had that conversation with Stephen Henry Lynch? A No sir, I don't think it was because Stephen was out in the field a good deal of the time.

- Q You were in a position to see more of him then while you were right there at Mr. Emerson's house than you did when you were ten miles away? A I can't hardly believe I was there; I know my wife was there and I would go there to see her.
- Q Are you prepared to dispute the diary of Mr. Emerson, entered on the 17th day of September, 1867, to the effect that Pagington and Barwick worked for me? A I am not, I couldn't dispute that.
- Q Do you remember that on that self same day that Steve, referring to Stephen Henry Lynch, leaving 13 1/2 bushels of corn with Mr. Emerson for safe keeping? A No sir, I don't.
- Q You don't recollect that at all? A No sir, I don't.
- Q You were there working for him, were you not? A Yes sir, but I didn't have nothing to do with him according to his business transaction; according to that I was there.
- Q You have got no distinct recollection of any of these transactions at all? A No sir; it is just like it never occurred to me; it is a revelation to me; I know I was around Mr. Emerson a good deal at different times before that and afterwards; might I be allowed to make a little statement along that line?
- Q Just tell it? A Well I saw Mr. Pagington right lately,---
- Q Well I don't want any conversation you had with Mr. Pagington? A Well it is along that line.
- Q Well Mr. Pagington is not here and he is one of the witnesses that was to be here and I don't want any conversation with him. I will ask you if you remember of working on Saturday, October 19, 1867, of working until noon and at noon going to Oakwood?
- A No sir, I don't remember going over to Oakwood.
- Q Was there such a place as Oakwood? A Yes sir.
- Q I will ask you if you remember on the 22nd day of October, 1867, that Stephen and brother Bill start back to the Cherokee nation, and that Thomas Barwick gets back and is not able to work, and that Steve took 7 1/2 bushels of corn out of the crib? A No sir, I don't remember the distinct transaction.
- Q Well you have got no recollection of being there when Steve and his brother Bill left there on October 22, 1867? A No sir, I couldn't swear to that.
- Q Did you know his brother Bill, whose name was William Buffington? A I had a slight acquaintance with him was all; I don't know where he went to or what become of him or anything of the kind.
- Q Do you remember that you were not able to work along about that time and that you were sick and got additional medicine on the 24th from Dr. Kempton? A I don't even remember the Doctor; I know I was sick and it took every thing I had to regain my health.
- Q Now on Sunday, the 27th of October, 1867, I will ask you if you are prepared to dispute this entry in the diary; "Barwick leaves for parts ~~unknown~~ unknown he not informing us whither he goeth." A I went to Kansas City.
- Q How far was that away? A 72 miles.
- Q You remember that do you? A I remember that because I was sick at the time and I remember another circumstance that I am willing to testify about if you think it is necessary; it is a personal matter though.

- Q I don't care to go into it except that you did go away? A Yes sir, I did go away; it was the finest thing I ever done for myself.
- Q I called your attention to that thinking perhaps that I might refresh your memory of being down there at Emerson's? A I was there quite often, I couldn't recollect dates.
- Q You don't know what year that was in? A I am satisfied the diary is right about the year and I don't dispute Mr. Emerson at all.
- Q Then if Mr. Emerson's diary showed transaction of every day for the year 1866 and 1867, the people who worked for him up there every day and from what he did, even to the minutest details you are not prepared to dispute that from memory 40 years, are you? A I would not dispute it under no consideration.
- Q Now Mr. Barwick if this diary shows that Stephen Henry Lynch was there from time to time during the year 1866 and if it shows that he was there on December 8, 1866 and worked four days during that week, are you prepared to dispute it? A Oh no.
- Q If this diary shows that he worked for Mr. Emerson for 14 1/2 days and that Jesse Vann his step-son, worked two days during the month of January, 1867, are you prepared to dispute it? A No sir, I am not.
- Q If this diary shows that Stephen Henry Lynch was there on March 6, 1867, are you prepared to dispute it? A I would not dispute that diary.
- Q You would not dispute any item in it? A No sir.
- Q You had rather take that as written documentary testimony than your memory 40 years ago? A Why sure, I haven't got any written record like Mr. Emerson.
- Q How ~~long~~ old are you now Mr. Barwick? A I will be 63 years of age on the 13th day of next May, but I have been working hard lately and I am tired; I got away yesterday and went in my room and never come out at all, stayed there until this morning.
- Q Now prior to the time that you worked for Mr. Emerson, whenever that was, you lived about ten miles away from him? A Yes sir, I went over there visiting, friendly visits you know; whenever he wanted a little work done and I would go out and help him do it.

BY MR. PATTEN:

- Q You say you farmed one year? A Yes sir, I farmed one season.
- Q You were not a farmer by occupation? A No sir.
- Q You say you didn't know much about how to farm? A I didn't know anything about it.
- Q What year was that? A In 1866.
- Q Who was it you said showed you how? A Steve Lynch and another old friend, now Dr. J. R. VanZant and Mr. Emerson, they all made fun of me and corrected my mistakes.
- Q So along say during the winter of 1866, which includes of course part of 1867, did you remember of ever seeing Stephen Henry Lynch of your own personal recollection living up there? A Up at Emerson's in 1866?

- Q Yes, in the winter of 1866 and 1867, ~~after~~ have you any distinct recollection of seeing them living up there during that period?
- A I think they were there.
- Q Do you actually know they were there, did you see them? I am not positively whether I did just see them or not; I believe I saw them there to.
- Q Well can you swear that you did; you stated awhile ago,---? A I know they were there but I couldn't say about any dates.
- Q What I am getting at is this; awhile ago you stated that you were of the opinion that they were there that winter when Steve made his first trip down here; that he didn't take them with him at that time; that it was your opinion that they were there; now what makes you think they were there? A I don't think he was able to bring them down here and take them back, that is just an opinion.
- Q That is an opinion, is it? A I just don't think he had the means to take them down there and bring them back; I think he left them there in Emerson's care and he went away.
- Q That is the way you former a pretty conclusive opinion in your mind that they remained there? A Yes sir, I don't think they left the farm until 1867.
- Q You don't think he was able to take them away? A I don't think he was able to stand the expense of a trip down there and back. I know he left in 1866 on account of that other matter.
- Q Then as regards his family being there, your statement is about this, in your opinion they remained there that interval of time because you don't think he was financially able to move them there? A Yes sir, that is the way I thought the matter over in my mind since you gentlemen come up there.
- Q Since we submitted your name on the list of witnesses in this case did Mr. Keys, a marshal for the Cherokee Nation, call on you in your home in Pleasanton? A Yes sir.
- Q When did he come? A Well I think it was a few days before,--I don't know, just about New Year's, right along there.
- Q Did he come down to your house? A Yes sir.
- Q That rainy day? A Yes sir.
- Q How long did he stay there? A About a half or three quarters of an hour.
- Q Discussed this case with you? A Put some small questions, yes sir.
- Q Did you see him or talk with him any time after that? A Yes sir, I went to the Hotel and had a little talk with him.
- Q He was stopping at the Hotel and you went up there? A Yes sir.
- Q Mr. Barwick, have you seen Mr. Pegginton in the last few days? A Yes sir.
- Q Do you know what the condition of his health is? A Yes sir.
- Q What is it? A He is very feeble.
- Q Would he be able to travel, make the trip down here? A No sir, he would not.
- Q On your cross-examination Mr. Barwick, Mr. Hastings asked you if you recollect this item that was put in this record, purporting to be a record kept by Mr. Emerson, which was on Tuesday, October 22, 1867; "Steve and brother Bill start back to the Cherokee Nation. F. Barwick gets back not able to work. Steve

takes 7 1/2 bushels of corn out of the crib again." You stated now you didn't remember that? A Like as any way I was in the house sick as it also states there I was not able to work.

MR. PATTEN:

In connection with the cross and re-direct examination of this witness upon this point about which he was questioned by the Attorney for the Cherokee Nation, we desire to ask that that part of this record referred to by Mr. Hastings as being a record kept by Surveyor Emerson be copied into the record as it appears in this book.

MR. HASTINGS:

I have no objection.

ON BEHALF OF THE COMMISSIONER:

The request of the applicants will be granted and the entry in the diary is as follows:

"October, Tuesday 22. 1867.
Steve & Brother Bill start back to the Cherokee Nation.
T. Barwick gets back not able to work.
Steve takes 7 1/2 bushels corn out of the crib again."

BY MR. HASTINGS:

- Q Now Mr. Keys never attempted to induce you to swear anything else other than the truth in this case? A He advised me to tell the truth.
- Q And he only asked you for information what you may knew about it, A Yes and I volunteered that I would assist him in any way I could.

BY MR. PATTEN:

- Q Mr. Barwick, privately, what is your sentiment toward the colored person? A Well now I think Roosevelt is right.
- Q When he fired those negro troops? A Yes sir.
- Q The truth is you are not at all favorable disposed toward the colored person are you Mr. Barwick; that is, you had rather help a white man than a colored person? A Well I would not injure a colored man because he is a colored man. I would not stop to quarrel with a colored man, nor I would not take him in my family under no consideration.

- Q In the common way of expressing it you have not had much use for a negro? A I haven't got a bit; I wasn't one of those abolitionist like Mr. Emerson up there, and that is the reason I didn't get along with them.

BY MR. HASTINGS:

- Q You were brought here by the Attorneys for the applicants? A I suppose so.
- Q You came here for Mr. Patten? A Yes sir.
- Q He talked to you a number of times up there about this case? A Yes sir.
- Q And the fact is you aided him in searching out some of them old people up there, didn't you show him the way to their houses? A Yes sir.
- Q You went with him? A Yes sir.
- Q To see a number of these old residents up there? A I took him around to see them.
- Q And he paid you for it? A Yes sir, he paid me for my time.
- Q I am not caring for that but I want to show you were not unfriendly to Mr. Patten, and you showed him and helped him all you could? A Yes sir, and I found him to be a fine gentleman and since we have been here he showed us to our places and has been around to see us.
- Q Well your feeling toward a colored man is not such you would not tell the truth about a matter, is it? A Well I will certainly not do anything of that sort; I will be fair and honorable even if a colored man was an enemy of mine.
- Q You would want to tell the truth about it? A Yes sir.

(Witness excused).

JOHN W. THOMPSON, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q State your name? A John W. Thompson.
- Q How old are you? A 66.
- Q What is your postoffice? A Farlinville, Kansas.
- Q How long have you lived in and around there? A Since April, 1867.
- Q You came to the neighborhood of Farlinville in April, 1867? A I came from Indiana there in April, 1867.
- Q Have you lived in or about that neighborhood ever since? A Yes sir.

- Q Where did you settle when you came there, Mr. Thompson? A About a mile and a half northeast of Farlinville, and about two miles from Mr. Emerson's place.
- Q After you came there did you ever become acquainted with a colored man by the name of Stephen Lynch? A Yes sir.
- Q Now when did you get acquainted with him; when did you first know him? A It was the latter part of May or June, 1867.
- Q Where was he living at that time? A He was living on Mr. Emerson's place about two miles southeast of where I lived.
- Q You got acquainted with him, personally acquainted with him, did you? A Personally acquainted with him from a business transaction.
- Q What was that? A Buying a cow.
- Q You bought a cow from him? A Yes sir.
- Q Well now after you became personally acquainted with him so you would have any conversation with him, did you ever have any talk with him about where he came from or where he belonged or anything like that? A I don't think I remember of him saying anything where he came from, but he told me in conversation about a claim or headright that he had in the nation.
- Q Did he say he had a claim down here? A He said he had a claim in the nation and was going to it as soon as he could make the present crop he had in, dispose of it and then move.
- Q Well how long did he continue to stay up there in 1867; about when did he leave? A I couldn't give the date of his leaving there; he left sometime in the fall; I don't know a thing about him in 1866.
- Q But he left in the fall of 1867? A Yes sir, after he had disposed of his crop every one understood that he was going to his claim.
- Q Have you lived in that neighborhood continuously since that time? A Yes sir.
- Q Have you ever known of him or seen him up there since then? A No sir.

BY MR. HASTINGS:

- Q He just said he had a claim or head right down here in the Cherokee nation? A That is what he said; he didn't tell me he had taken a claim; he said it was either a claim or headright down here.
- Q In other words he had a right down here? A Yes sir.
- Q And he said he was coming down here? A He said he was going to move to it as soon as he disposed of his crop.
- Q And sometime after he disposed of his crop he left up there? A Yes sir, he was gone.
- Q His family left up there with him? A Yes sir.
- Q Had some boys and children? A Yes sir.
- Q And they lived there on the farm at that time? A Yes sir.
- Q And you don't remember of seeing him until the last of May or June? A He was there and I might not have seen him.
- Q You didn't see him before that time? A No sir, not until I went to see this cow.
- Q In other words you were not just over there? A No sir.

Q You moved into that country when? A In April, 1867.

(Witness excused).

SIMON LYNCH, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q State your name? A Simon Lynch.
- Q How old are you? A 76.
- Q What is your postoffice address? A Spavinaw, Indian Territory.
- Q You are a recognized freedman citizens of the Cherokee nation?
- A Yes sir, I guess I ~~am~~ is.
- Q Did you go out of the nation during the war? A Yes sir.
- Q When did you return? A '66, February.
- Q Where did you settle? A Upon Cabin Creek where I stopped.
- Q Were you acquainted with Stephen Lynch, a colored man, before the war? A We lived on the same place, both belonged to the same man.
- Q You knew him before the war? A Yes sir.
- Q When, if you remember, was the first time you ever saw him in the Cherokee nation after the war? A In October, I believe; yes, it was in October.
- Q What year? A '66.
- Q Where did you see him or how did you happen to see him? A I seen him up there at the old place.
- Q Where were you living? A Yes sir.
- Q Where had he come from or did he say? A Kansas.
- Q Was he by himself or did he have his family with him? A No sir, didn't have no family.
- Q Come by himself? A No sir, there was some more men, just come horse back.
- Q That was along in the fall of 1866? A Yes sir.
- Q Did you make any kind of a trade with him while he was there that time? A Yes sir, I sold him an old place and cabin on it.
- Q Where is that located? A It is below the Island Ford.
- Q That was in the Cherokee nation, was it? A Yes sir.
- Q Did you make that trade shortly after he came down that river?
- A Made it while he was down here.
- Q How much did he give you for it? A \$12 for it.
- Q What kind of money did he pay you in? A \$10 gold piece and \$2 in silver.
- Q He gave you \$12 for that place? A Yes sir, about two miles and a half below the Island Ford.
- Q How far was that from where you lived? A About two miles and a half of where I live now.
- Q Did he continue to hold that place after you sold it to him?
- A Yes sir.

- Q Did he retain that place during his life time? A Yes sir, he died on part of it.
- Q Do you know who owns the place now, or holds it? A Yes sir.
- Q Who? A Old Aunt Richard Bean, s grand-daughter.
- Q You say he was by himself when he made that trade with you? A There was some more came with him.
- Q How long did he stay around there? A A week or two.
- Q Then where did he go, did he leave? A Went back to Kansas
- Q That is you understood he did? Yes sir, there is where he said he was going, him and Crap Lynch went back
- Q After that trip did he bring his family down there? A Brought it about Christmas
- Q That same year? A Yes sir
- Q Who were the members, of his family? A Jesse, and Bill, and Judy, and his wife.
- Q What was his wife's name? A Peggie.
- Q About that time you knew of a number of other people who came down to the Cherokee nation? A Yes sir, lots of them dropping in every once in awhile.
- Q Do you know in 1867, say the following spring after that winter, what were the conditions of times in the Cherokee nation, pretty hard? A Hard times.
- Q Was it hard to get anything to eat? A Yes sir, corn was \$5 a bushel.
- Q Wasn't it common for a great many of these people to go back to the States and work? A Yes sir, to work and to get something to eat.
- Q You remember the citizenship Court, commonly known as the Bob Daniels Court held in 1871? A I don't know what year it was held in but I remember the Court, it was there.
- Q Where was it held? A Tahlequah.
- Q Were there a great many freedmen at that time summoned before that Daniels Court to settle their citizenship rights? A We were not summoned; just went down to see if they could stay here, or not.
- Q Do you know whether Stephen Lynch was down there before that Court at that time? A He was right there.
- Q Were you in the same crowd? A Same crowd.
- Q Now when you were down there before that Court in regard to your citizenship rights, what if any, action did the Court take in it? A Told us to go home; that we were not wanted yet.
- Q Did they ever enter into a trial at that time in the case of Stephen Lynch? A No sir, nor none of the ~~xxxx~~ rest of us.
- Q Told him the same as told all the rest of you? A Yes sir.
- Q Did that bunch of freedmen that went down there or any of them that you know after they told them to go home that they were not trying their cases, do you know whether they ever called them back for another trial? A Never did call them back.
- Q Well who told them to go back home? A Judge Daniels.
- Q The Judge of the Court, was he? A Yes sir
- Q He told them that himself, did he? A Yes sir.

BY MR. HASTINGS:

- Q Simon you were a slave before the war, yourself? A Yes sir.
Q How old are you? A 76.
Q Can you read and write? A No sir.
Q Do you know one year from another? A Yes sir, I think I do.
Q Do you know what year it was you went down before the Bob Daniels Court? A No sir, I don't just exactly know what year it was.
Q Were you admitted by them? A Didn't try anybody at all.
Q Then there wasn't anybody admitted by it? A No sir, didn't do nothing with us only tell us to go back home.
Q Are you willing to swear that now under oath? That he told us to go back home?
Q No, that nobody was admitted by that Court? A I don't know nothing about that.
Q Did you know Mike Fields down there at that time? A Yes sir.
Q Do you know whether he was told to go back home? A He lived there in Tahlequah.
Q Do you know Frank Vann? A Yes sir.
Q Do you know whether they admitted him or not? A No sir, I don't know who they admitted; didn't admit none of us.
Q Did you know Johnson webber? A Yes sir.
Q Do you know whether he was admitted or not? A No sir, I don't.
Q Do you know old man Sam Webber? A Yes sir.
Q Do you know whether he was admitted? A No sir, he wasn't then.
Q Were any of the Webbers admitted? A Not as I know of.
Q You don't know what year that was? A No sir.
Q Well have you ever been convicted of larceny? A Yes sir.
Q Convicted in the Cherokee Courts? A Yes sir.
Q You don't know what year that was you are trying to testify about being before the Bob Daniels Court? A No sir.
Q Where is that little house you claim to have sold Stephen; how far from the old Lynch place? A About a mile and a half.
Q Wasn't on the old Lynch place? A No sir.
Q He didn't come back to the old Lynch place? A Yes sir, moved right on the old Lynch place.
Q How long did he stay there? A Until he could fix up a house and get home to the place.
Q So there wasn't any house on the place you sold him? A A little bit if a ~~gigawatt~~ cabin not fit to go into.
Q What time did he move down there? A Just a little after Christmas.
Q Have his wife with him? A Yes sir.
Q Have any children with him? A Yes sir.
Q What were their names? A Bill, Jesse, Judy, and I forget the other ones' name.
Q About how old was Judy? A I don't know.
Q From looks, you were well acquainted with them? A She was a good big girl.
Q 5 or 6 years old? A I don't know which.
Q She was at least that old? A Yes sir.
Q How old was Dan Henry? A He wasn't born.
Q He was born down there, was he? A Yes sir.

- Q Well they continued to live there, did they? A Yes sir/
Q Clean on up until the time he died? A Yes sir/
Q All the time? A No sir, he didn't, he went back to Kansas,
backward and forward to work.
Q Well when he went back to Kansas how long did he lived there
before he went back? A Back in the spring of 1867.
Q Well bout what time, May or June? A I can't tell what time.
Q Your best judgment? A It was along in the early spring, best
I could recollect.
Q He stayed down there then some 3 or 4 months? A No sir/
Q About how long did he stay down there? A A month or two,
two or three months
Q Stayed there with his family? A Stayed there and worked on
his house and moved his family in it.
Q And then went back? A Yes sir/
Q It was after grass was it before he went back? A I don't know
whether grass was up or not; I don't recollect, it has been a
good while.
Q Did you see Joe Davis when you were down at Tahlequah before
the Daniels Court? A I don't recollect of seeing him; there
was so many I couldn't tell only them that went with me.
Q What year was the Wallace Payment? A I don't know sir/
Q What year was the Wern-Clifton payment? A I don't know that.
Q What year were you married? A Never was married.
Q Did you ever have any children? A Yes sir/
Q When were any of them born; do you know the year any of them
were born? A No sir, I don't.
Q You don't know a single one of those years, do you? A No sir.
Q What direction from this old Lynch place did this man move?
A Right west.
Q How far? A About a mile and a half.
Q What was that place known as? A A Cherokee lived there.
Q What was the name? A Hully.
Q Wasn't any in cultivation down there? A Just a little bit of
a patch.
Q It had grown up during the war? A Well the old man lived there
in that little old cabin; lived there all the time I reckon; I
don't know how long he stayed there.
Q You say Judy was 4 or 5 years old when they come down there?
A I don't know just how old she was.
Q You don't want anybody to come upon you on no date except 1866,
do you? A That is you to do that.
Q Do you know a single year except 1866? A Yes sir, lots more
years.
Q Now tell us when the Wallace payment was? A I can't tell you.
Q Tell me when a single one of your children were born? A I
don't know, I will tell you Mr. Hastings, I don't know, I can't
keep no record, can't keep no dates.
Q Can't keep no dates, can you? A No sir.

BY MR. PATTEN:

- Q Do you know whether besides that place you made a trade with Stephen for and sold to him, do you know whether or not he ever made any other claim down there or not? A He made a claim right this die of it.
- Q Was that before or after you sold him this first place? A It was afterwards.
- Q How long? A It was after he moved down.
- Q A year or two after, something like that? A I don't know just how long but it wasn't a year or two afterwards.
- Q These people you say were down before the Daniels Court that you knew, Stephen Lynch was one of them in that crowd of people that went from your neighborhood together? A Yes sir, Big Creek, Lightning Creek came down through right there by my place.
- Q They were the ones the Court told to go home, that they were not trying their cases? A Yes sir.
- Q Mr. Hastings asked you if you were ever convicted of larceny in the Cherokee Court, were you ever pardoned of that conviction? A Yes sir.

BY MR. HASTINGS:

- Q Don't you know Bob Daniels lived right up in that section of country in 1867? A Yes sir; I don't know whether it was '67 or not, I know he lived there on his old place.
- Q He was acquainted with all you people before and after the war too, wasn't he? A Yes sir, I was born belonging to him.
- Q He knew Stephen Lynch too, didn't he? A Yes sir.

BY MR. PATTEN:

- Q You say Stephen Lynch went back and forth to Kansas after he moved his family down there? A Yes sir.
- Q What did he do that for? A Work he said.
- Q Was times pretty hard in that settlement at that time? A Yes sir, couldn't get any bread at all hardly.

BY MR. HASTINGS:

- Q Was he pretty hard up when he was down there? A Yes sir.
- Q Did he have any horses or any teams? A Yes sir, had a poor old horse; Crap went up with him to help him move.
- Q No other property except household effects? A Yes sir.
- Q Didn't have any cows? A No sir.

(Witness excused).

JOE DAVIS, being first duly sworn by E. P. Rasmus, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q State your name? A Joe Davis.
Q How old are you? A Soon be 52.
Q What is your postoffice? A Vinita, Indian Territory.
Q Are you a recognized freedman citizen of the Cherokee nation?
A Yes sir.
Q Did you ever know a colored man by the name of Stephen Lynch in his life time? A Yes sir.
Q Did you ever know any of his children? A Yes sir.
Q Who were some of them? A Well I knew his children, step-children was Jesse Vann and Bill, Steve and Dan Henry, and there was a girl or two, I don't know them very well.
Q Did you go out of the nation during the war? A No sir.
Q After the war was over were you ever down there in that neighborhood where Simon Lynch lived, through that country? A Yes sir.
Q When, if you remember, was the first time you ever saw Steve Lynch in the Cherokee nation after the war? A Along in the winter of 1866.
Q 'bout what time in the winter time? A Yes sir.
Q How did you happen to see him? A Well I was just up there and seen him up to his house.
Q How far did he live from Simon Lynch's? A I don't know that; it was over a couple of miles.
Q Was that near Grand River? A Yes sir.
Q When you saw him there do you know whether or not he had his family there with him at that time? A Yes sir, he was living there when I seen him.
Q Were you down there through that neighborhood any more for sometime? A No sir, I wasn't there; I don't know, I guess it was probably a year before I was there any more; right in that---
Q Did you see Stephen Lynch any more until you came back to that same neighborhood again? A No sir.
Q When was the next time you saw him, when you went back there? A I don't recollect, I think it was in the fall of '68.
Q You don't know where he was of your own personal knowledge in 1867? A No sir.

BY MR. HASTINGS:

- Q How old were you in 1866? A Oh I guess I was about 11 years old; I was born the 27th day of March, 1866.
Q Where were you living in 1866? A Part of the time I lived in Fort Gibson, part of the time upon the River there upon Spring Creek.

- Q What time did you move from Fort Gibson to Spring Creek? A Some-
time in the fall.
- Q What time in the fall? A Well, I don't recollect exactly what
time it was; it was sometime after, along in the fall.
- Q Well how late in the fall was it you moved? A Well, I don't
know exactly when I went up there to stay or not.
- Q Was it December, January or February? A It was later than
that, it was along in the fall.
- Q Well I mean in December, winter of 1866, was it that late you
went from Fort Gibson up to Spring Creek? A No sir, I don't
hardly think it was that late.
- Q Who were you living with on Spring Creek? I was at home with
my Uncle.
- Q How did you happen to come up to Stephen Henry Lynch's? A I
think I went with him.
- Q Stephen Henry Lynch? A No sir, I was up there among them
people in that settlement and us people at that time lived in
settlements generally, a bunch of them together up there.
- Q What were you doing up there? A I couldn't tell you just went
up there to be among our people, there wasn't much to do.
- Q Have you got any memorandum of this visit up there? A Not a
bit only I can recollect of seeing lot of people together.
- Q How many cases have you testified here in the last six months?
A I don't know, I have testified for several, in as many as I
could testify in.
- Q Has Starr & Patten ever had a case down here within six months
you haven't testified in? A I don't know nothing about that;
I am testifying for these people I know.
- Q You live in Vinita? Yes sir.
- Q And they live in Vinita? A That is right.
- Q Well now how many cases have you made affidavits in, motions to
reopen, do you have any idea? A Well I will tell you that I
have for all these people I know in this country.
- Q I am asking you how many cases you have made affidavits in
to be reopened? A Probably 15 or 20.
- Q And you are only 51 passed now? A That is right sir.
- Q And you don't know what you were doing up there at the time? A
Wasn't doing nothing; none of us never done anything to amount
to anything at that time only split rails, and danced, and have
roast beef and go to Pin meetings and that was about all was
done.
- Q Where was this place that Stephen Lynch was living upon when you
went up there? A Upon the old Lynch place on the Lynch Prairie.
- Q Living on that old Lynch place? A Yes sir.
- Q Well how far from the main house ~~was~~ was he living or was he
living in the main Lynch house? A Well sir, I don't know just
which one was the main Lynch house.
- Q Now you know whether it was in the negro quarters or the Lynch
house he was living in? A I know it was an old log house.
- Q Well now who was living in the old Lynch house? A I couldn't
tell you sir.
- Q Was any negroes or Cherokees living in the old Lynch house?
A I didn't see any.

- Q How long did you stay there? A May be two or three days, I couldn't tell how long.
- Q Did you stay all night there? A I don't recollect whether I did or not.
- Q Do you remember now whether Steve Lynch lived in the old Lynch house or in the cabin there? A Well I couldn't tell, it was an old log house.
- Q Was anybody else living there? A I don't recollect whether there was or not.
- Q You don't remember whether there was any other family on the old Lynch place at that time or not? A No sir, I don't recollect whether there was or not; there may have been somebody else in the house with him so far as that is concerned.
- Q You don't recollect? A No sir.
- Q You are the same man that testified in the Riley McNair case, aren't you? A That is what I am sir.
- Q You testified to going to the Jack McWair place and seeing Fred Martin's folks up there in the fall of 1866? A I don't know whether I did or not, I may have; I know they lived on one of the McWair's places up there.
- Q Now you don't remember anybody else that was on the Lynch place at that time? A No sir, not particular I don't.
- Q I am not asking about particular, but do you remember anybody? A Yes sir, I remember Uncle Steve Lynch.
- Q Now in what house was he living? A In a log house that they called the old Lynch ~~house~~ place.
- Q Was it in the main Lynch house? A I don't know which it was, whether it was the main house or not.
- Q How far was the place from the River? A Oh I don't know, it was probably two or three miles I think.
- Q Do you know what direction the River was from it? A No sir, the River runs,--lots see,--the River runs all around it, there is kind of a bend there, but I think though it is west.
- Q You think the River is two or three miles? A Yes sir, here is Uncle Simon's place over here and right west is the old Lynch place.
- Q You don't remember what month you were there? A No sir, it was along in the winter, along just before Christmas, cold weather I know.
- Q I will ask you if in every case you have testified in if you haven't seen them just before Christmas, 1866? A Yes sir, because it was that time I went up there.
- Q You never did see anybody in here in these cases you testified in except just before Christmas, 1866? A Yes sir, I seen lots of them at Fort Gibson when these negroes first come in this country.
- Q Don't you know that old man George Scraper was living on that Lynch place in 1866? A I don't know.
- Q Well you don't deny it do you? A No sir, I couldn't, because I don't know.

BY MR. PATTEN:

- Q You testified in the Mayfield case, didn't you Joe? A Yes sir.
Q We were the Attorneys in that case, weren't we? A Yes sir.
Q You testified in the Hardrick and Lyon cases? A Yes sir.
Q We were the Attorneys in that case? A Yes sir.
Q You testified in the Riley case? A Yes sir.
Q We were the Attorneys in that case? A Yes sir.
Q You made an affidavit to support a motion for a new trial in the Wilson Martin case? A ~~xxxxxx~~ yes sir.
Q We were the Attorneys in that case? A Yes sir.
Q You are a witness in this case? A Yes sir.
Q Isn't it a fact that most all these cases are people who settled in the same neighborhood on Grand River? A That is right; they settled in the same neighborhood; we all settled up in that country together.

BY MR. HASTINGS:

- Q How far was it on Spring Creek up to this Lynch place in 1866?
A I can't tell you exactly, but I think it must be somewhere between 16 and 18 miles.

BY MR. PATTEN:

- Q When did you live on Spring Creek? A From '66 until '68; we were the first ones moved out of that country; moved on the west side of the River; directly after the war they moved there in squads.

(Witness excused).

MR. HASTINGS:

It is the desire of the Cherokee Nation to have Simon Lynch recalled for the purpose of cross-examination as to this sentence in his ex-parte affidavit made before J. C. Starr and witnesses by J. C. Starr and Guy Patten on the 6th day of December, 1905, filed in this case; "I don't remember of them (referring to the family of Stephen Henry Lynch) going back to Kansas late in the spring of 1867 although it is possible that they did go back to Kansas in the spring of 1867 to get work for support as times were very hard in this part of the country in those days, and the darkeys had a very hard time to get something to eat."

MR. PATTEN:

Attorneys for applicants have no objection whatever.

ON BEHALF OF THE COMMISSIONER:

The witness Simon Lynch had left the room prior to the request of the Cherokee nation and cannot be found at this time.

JOSEPHINE HUMISTON, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of Cherokee nation:

BY MR. HASTINGS:

- Q What is your name? A Josephine Humiston.
Q How old are you? A 72.
Q What is your postoffice? A Farlinville, Lynn County, Kansas.
Q How long has that been your postoffice? A Ever since Farlinville postoffice was established.
Q Where were you living in the year 1866? A On the same property I am living on now.
Q You are living at the same place? A Yes sir.
Q You lived there of course during those years of 1866 and 1867?
A Yes sir, I lived there then.
Q You have previously given testimony before the Commission to the Five Civilized Tribes with reference to a freedman family, the head of which was known as Stephen Henry Lynch? A Yes sir.
Q You knew him, did you? A Yes sir.
Q Did you know his wife? A Yes sir.
Q And you knew his children? A Yes sir.
Q You testified also when you were upon the stand with reference to a diary kept by your deceased husband, for the years of 1866 and 1867, did you not? A Yes sir.
Q What was your deceased husband's name? A William B. Emerson.
Q I will ask you to examine these two books and state whether or not they are the diaries that you identified before when you were upon the stand as being the diaries of your deceased husband, Mr. Emerson? A These are the books that Mr. Emerson wrote in daily.
Q And you also recognize this one in 1867? A Yes sir, it is the same, in 1867.

MR. HASTINGS:

I desire now to offer in evidence the two diaries referred to as being the diaries of Mr. Emerson, now deceased, but identified by the witness upon the stand for the purpose of showing and calling especial attention to, first, entries therein with reference to the transaction of Mr. Emerson with Stephen Henry Lynch and members

of his family which will show the dates thereof; second, for the purpose of showing in detail how minutely Mr. Emerson kept a transaction of everything that went on around or about him; and third, for the purpose of showing the dates upon which the said Thomas Barwick, a witness introduced here on behalf of the applicants, was at the home of Mr. Emerson, the deceased husband of the witness upon the stand.

MR. PATTEN:

I have no objection.

ON BEHALF OF THE COMMISSIONER:

The request of the Attorney for the Cherokee nation will be granted and the records will be copied and made a part of the record in this case.

MR. HASTINGS:

For the purpose of showing at times during the years 1866 and 1867 when Stephen Henry Lynch and members of his family is referred to in said diaries attention is invited to the following entries on the following respective dates.

January 6, 1866. Go to Fickes' mill get 272 lbs. of flour at 7 cts per lb. \$19.04 one sack \$1.00 & \$4.42 cash total \$24.46.

Paid to Sutton for B. Fouts for B. Lynch \$27.00 to Steve 100 lbs. flour \$7.00 total \$34.00 & leaves \$57.98 due Steve.

January 29, 1866. Pay Steve \$5.00 for wood chopping hauling etc. and go to Linville to commence survey of road from Linville toward Garnett in Anderson Co. S.C.

March 9, 1866. At Road Record Linville and Garnett. Pag & Steve trade. Pag. pays Steve \$3.00 for me.

March 10, 1866. At Road record L & G road. Steve worked yesterday for me being 1st day of months work.

April 2, 1866. Borrow \$45.00 of Steve and pay Amand \$65.00 including Teakettle at \$1.75 and Guineas at .50.

June 25, 1866. Help Steve out wheat.

June 26, 1866. Finish his wheat and commence cutting my Rye.

July 6, 1866. Stack Steve's wheat. A shower about 1 o'clock. Rains hard in the night.

August 24, 1866. Frost this morn aight says Steve. Stack hay today.

September 3, 1866. Stack hay, Steve helps.

September 7, 1866. At home. Steve helps topout a stack of hay. Pay Steve \$2.35 for haying. chore for McRea who is sick.

September 13, 1866. Commence grinding Steve's sugar cane in P. M.

September 14, 1866. Continue making molasses for Steve.

September 15, 1866. Finish Steve's molasses 45 gallons in all. Give 1/4 for use of mill. Strip cane in P. M.

September 20, 1866. Commence grinding sorghum cane in P. M. Boys & Steve in P. M.

September 22, 1866. Continue grinding sorghum, Hulbert and Frear help. Steve goes to Ft. Scott.

September 24, 1866. Go to Dist. Court. Steve & boys Pfarrer & Hulbert & Paginton work at molasses.

September 25, 1866. Pag., Steve & boy & Mr. Frear help in molasses making.

September 26, 1866. Pag. goes home at noon, Hulbert at night, Steve & boys continue.

September 27, 1866. Steve all day. Boys 1/2 day.

September 29, 1866. At Dist. Court, discharged from duty of G. J. Give Frear 5 gallons molasses for labor. 250 gal. molasses made & raised on the place. 45 Steve, 100 McRae, 100 mine, 1/4 of all Wolfingers.

October 8, 1866. Paid Steve for work \$5.00.

October 15, 1866. Steve commences work.

October 17, 1866. Cole quits mowing in A. M.

J. Q. A. & Pag help, Frear & Steve continue their work.

October 18, 1866. Rain soon after day light.

Frear, Steve help all day, Pag. & J. Q. A. help one half day.

December 8, 1866. Continue same and go to Baileys at night. David Frear and Steve each worked four days for me this week.

January 30, 1867. At home recording. Steve and Jesse haul hay. Very pleasant, getting warmer, 46 above zero at noon.

January 31, 1867. Owe Steve for 14 1/2 days on month but reduce the same by paying him cash 5.00, lamp & oil can 1.25, credit him with Jesse's work two days on the road and one hauling hay.

March 6, 1867. Snowing so I stay at home. Pay Steve 20 cts. toward his work.

March 24, 1867. Pay Steve \$4.00 for Pagington.

April 17, 1867. Peggie gets 10 gallons of molasses for Steve Lynch.

April 21, 1867. Pay Steve 50 cts. tele money and \$6.00 toward Cal. As.

April 22, 1867. Steve works.

April 23, 1867. Steve works.

May 19, 1867. Steve's Sarah dead and buries today.
June 7, 1867. Got two bushels corn meal of Steve at \$3.20.
June 13, 1867. Pay Steve \$7.30, \$3.60 of which is for the meal & toll money of the 7th inst.
June 20, 1867. 1.10 to Steve on balance months work.
July 1, 1867. Steve hauls wood 1/2 day.
July 2, 1867. Frear, Dewey, Mumford & Steve out wheat.
Frear, Frear, Steve & Dewey Mumford harvest wheat. Splendid shower in P. M.
July 4, 1867. Mr. Frear & Steve harvesting wheat.
July 5, 1867. David Frear and Steve only out at wheat & rye today. Rained last night.
July 6, 1867. Steve, David Frear & Dewey Mumford work 1/2 a day at harvesting.
July 8, 1867. David Frear, E. D. Mumford and Steve harvest Rye & wheat.
July 9, 1867. Steve plows corn with the old mare west of the house.
July 10, 1867. David Frear and Steve at wheat and Rye all day. E. Dewey Mumford 1/2 the day except Steve plowed corn and hoed potatoes &c in A. M.
July 16, 1867. Steve works at wheat.
July 17, 1867. Steve works at wheat.
July 18, 1867. Steve binding wheat & rye.
July 19, 1867. Steve pays 90 cts. toll for me at Farlin and Bastons mill.
July 20, 1867. Steve hoes corn for me and finishes tying up the wheat.
July 21, 1867. Steve gets 3/4 gal. Molasses.
July 23, 1867. Steve hoes corn today.
July 26, 1867. Stack wheat & rye in A. M. T. Hulburt, Steve & Jesse Lynch help me.
July 29, 1867. Steve & Jesse haul in balance of Rye & Oats & stack it.
July 30, 1867. Steve completes digging cellar drain & charges \$4.00 therefor.
July 31, 1867. Steve putting in rocks in drain.
August 4, 1867. Pay Steve 22.90 & square accts. Pay Peggy 3.50 & square accts.
August 15, 1867. Pay Steve \$10.00 for 10 days work commenced on the 5th inst.
August 17, 1867. At home. Steve helps chere in the P. M.
August 19, 1867. Steve 1/2 day, Hulburt, Wm. Mumford & David Hill help at hay all day.
August 20, 1867. Steve starts to Cherokee Indian country.
September 3, 1867. Steve hauls two little jaggs of wood.

September 30, 1867. At home, sow some wheat. Measure corn ground bought from Steve amounting to 6.76 acres at \$7.50 acre. Thomas Barwick commenced months work at noon at \$20.00 per month.

October 8, 1867. Pay Steve 6.50 cash. Pay merchandise, apples .50, Coffee & Tea 2.00, Ayres Ague Cure 1.00.

October 15, 1867. Pay Steve 8 1/2 dollars.

October 17, 1867. Steve leaves 13 1/2 bushels of corn with me for safe keeping.

October 19, 1867. I go to convention at Centerville. Get 15.00 dollars due me of McRae, also 17.00 dollars which borrow of McRae to pay Steve. McRae goes home with me & trade horse with Steve. Give McRae 40 cts for Jesse.

October 20, 1867. Pay Steve \$36.00 cash.

October 21, 1867. Pay Steve \$17.25 toward corn and 85 cts. to Bill & Jesse also \$1.00 for corn in the crib.

October 22, 1867. Steve & Brother Bill start back to the Cherokee Nation. T. Barwick gets back not able to work. Steve takes 7 1/2 bushels corn out of the crib again.

BY MR. HASTINGS:

Q I will ask you Mrs. Humiston if this was also your husband's day book? A Yes sir, it was his day book.

MR. HASTINGS:

I desire to read from the day book identified by the witness the following item on January 31, 1867:

Stephen Lynch Cr

| | |
|--|------------|
| By 14 1/2/26 months work at | |
| \$20.00 per month | 11.15 7/10 |
| Also by three day work by Jesse | |
| at 25 cts. per day, 1 day hay hauling, | |
| 2 road | 775 |
| & by paying toll &c | .50 |

Dr.

| | | |
|----------------|------|------|
| To cash | 5.50 | |
| Lamp & oil can | 1.25 | 6.75 |

MR. HASTINGS:

I desire to call especial attention to the following items with reference to Thomas Barwick:

September 27, 1867. Tho. Barwick agrees to work a month for \$20.00 for me.

September 30, 1867. Thomas Barwick commenced months work at noon at \$20.00 per month.

October 1, 1867. T. B. at work.

October 9, 1867. Tho. Barwick chills in P. M. and does nothing.

October 10, 1867. Tho. chills in evening, did a few chores.

October 11, 1867. Barwick still chilling.

October 12, 1867. Thomas Barwick & family take my team & go to Oakwood to Henry & Wm. Scotts.

October 14, 1867. T. Barwick gets back from Henry & Wm. Scotts at 1 o'clock P. M. Pag. digs potatoes Barwick picks them up.

October 15, 1867. Barwick and Paginton hauling fodder and corn from patch W. of house. Pay Steve 8 1/2 dollars.

October 16, 1867. Paginton & T. Barwick both working for me.

October 17, 1867. Pag. & Barwick work for me.

October 18, 1867. T. Barwick harrows awhile commences to plow & takes a chill about 10 o'clock A. M. & quits for the day.

October 19, 1867. T. Barwick works until near mid P. M. then goes to Oakwood to line yesterday & today making about 1 days work.

October 22, 1867. T. Barwick gets back not able to work.

October 23, 1867. Barwick not able to work. we goes to town with us.

October 25, 1867. Barwick able to do no work.

October 26, 1867. Barwick chops down a hickory east of the house on the side hill & rolls part of it down hill.

October 27, 1867. Barwick leaves for parts unknown he not informing us whither he goeth.

BY MR. HASTINGS:

Q You have already testified that you are the same person who was the wife of the Mr. Emerson who kept these diaries? A Yes sir

Q You were his wife at that time? A Yes sir

Q You say you knew Stephen Henry Lynch and his family? A Yes sir.

Q About how far did you live from them during those two years of 1866 and 1867? A It was near 100 yards.

Q They were living on your place? A Yes sir

Q Where did you get water? A From the same spring.

Q Did you both live on the same side of the spring? A No sir, I lived on the north side and they lived on the south side.

- Q Could you see their place from yours? A We could see the house.
- Q Did you ever miss Stephen Henry Lynch from your place for any length of time prior to August, 1867, as is stated by the diary of your husband? A No sir, he never was away any length of time to my knowing.
- Q Do you know whether he and his family lived there in that house, which you have mentioned, through the entire year of 1866 and the winter that followed it and up until the summer or fall of 1867? A Yes sir, they were still living there all that while.
- Q Did his family ever live there during that fall or winter of 1867? A No sir.
- Q Did Steve ever leave there so far as you know up until August, 1867? A Not to be gone any length of time.
- Q Did you ever miss him from there? A No sir.
- Q Did you know his wife well? A Well acquainted with her.
- Q About how long did they live on your place? A They came in the spring of 1863 and left in the fall of 1867.
- Q Did this man Thomas Barwick ever work for your husband prior to September, 1867? A No sir.
- Q You knew him I believe you stated? A Yes sir, I knew him.
- Q And he did work there as this diary states? A Yes sir, he worked for a short time.
- Q Did you remember his wife? A Yes sir.
- Q Did you know her previous to their marriage? A I knew her when she was young.
- Q Could it have been possible for Stephen Henry Lynch, together with his family, to have left your place in the late fall of 1866 and come to the Cherokee Nation and remain here some two or three months, or until the late spring or early summer of 1867 without your knowing it? A No sir, he could not.

BY MR. PATTEN:

- Q You say that Steve Lynch came up there about when? A That he first came to the place?
- Q Yes? A In the spring of 1863.
- Q Did he have his family with him when he came? A Yes sir.
- Q It would not be possible that you are mistaken on that? A No sir.
- Q You are sure of that? A Yes sir I am; I can tell you why if you want me to.
- Q All right? A I met them first in the fall of 1862 when my son was born, my only son and Paggie did some work for me; she did work for me all through the winter and then in the spring they moved on to our place; that winter they were living west of us perhaps three quarters of a mile and then they moved that spring following and made five crops there; and we passed right by their door every time we went out on the highway, as near as you pass this building when out on the street.

- Q Isn't it possible you could be mistaken a few months on any of these dates I say? A No sir.
- Q It isn't possible you could be mistaken five or six months or four months as to when Steve Lynch came to your place? A No sir, it couldn't be possible.
- Q You are as positive of that as you are it is impossible for Steve Lynch to have been away from your place a month or two in the fall of 1866? A I don't understand your question?
- Q My question was, it is no more possible that you could be mistaken six months time as to when Steve Lynch came to your place? A No sir.
- Q You are just as positive about that, are you Mrs. Humiston, as you are that Steve Lynch wasn't away from that place for a couple of months; say a month, two months along in November or December or part of January, 1866 and 1867; that is impossible too in your estimation? A Yes sir, that is impossible.
- Q Now why is it impossible that Steve Lynch could not have left there along the fore part of December, 1866, say about the first week of it in December, 1866; is it possible that Steve Lynch could have left there at that time and been gone a month without your knowing it? A That is impossible.
- Q It is absolutely impossible that you could be mistaken about anything in this matter? A Yes sir, it is.
- Q It is impossible that you could be mistaken in your memory about matters that occurred 40 years ago? A It is impossible; I couldn't think of such a thing.
- Q It would be impossible for you to be mistaken? A Yes sir, impossible.
- Q It would be impossible for Steve Lynch to have left your place two weeks and come down to the nation and bought him a cabin down here in December, 1866, and you not have known it? A I would have certainly known it.
- Q It would have been impossible for him to have done that and you not have known it? A I certainly would have known it.
- Q It would have been impossible for him to have left there and come down to the Cherokee nation and bought him a little cabin down here on the public domain as a future home; it would have been impossible for him to have done that and made the trip back and forth for the length of time it would have taken, a week or ten days, it would be impossible? A I don't see how he could have done it; it is impossible.
- Q In fact he was living on your place in 1866? A Yes sir.
- Q That was just about 40 or 41 years ago? A Yes sir.
- Q And yet you are willing to swear, are you, that that man couldn't have been away from your place a week or ten days forty years ago and you not have known it? A I am willing to swear it.
- Q It is impossible then is it that you could be mistaken a few months on any of these times that you have testified about, is it? A I am telling the truth.
- Q Yes, I know, I want to see how strong you are? A I am telling the truth.

- Q You mean to say yes to that question, do you? A Yes sir.
- Q You have testified several times in this case, have you? A Twice before.
- Q You have been just as careful every time as you have been this time? A Yes sir.
- Q You have been just as positive, have you? A Yes sir.
- Q Well you say you came in the spring of 1863; that is when he came on to the farm was it? A Yes sir.
- Q Are you the same Josephine Humiston that testified in the Freedman case here at Muskogee, on January 4, 1906? A No sir, I was not here in January.
- Q Are you the same Josephine Humiston who testified in Muskogee before the Commissioner on December 21, 1905, in the supplemental proceedings had in regard to the application for the enrollment of Jacob Bean, et al., as Cherokee freedmen? A Yes sir, I testified here that day.
- Q Now I will ask you if while a witness here if Mr. Davenport, the gentleman sitting right there (indicating Mr. Davenport) didn't ask you this question; "Do you remember what year they went to your farm," (referring to Stephen Henry Lynch and his family)? A Yes sir, he asked me that question.
- Q And didn't you answer, "They came in the fall of 1863?" A No sir, spring of 1863.
- Q I am not asking now when they came? A I have always answered it that way, the spring of 1863.
- Q You are willing to swear then that you didn't make that answer? A It is the spring of 1863.
- Q You say now it is the spring of 1863? A Yes sir.
- Q You testified before the Commissioner down here on that date, December 21, 1905? A Yes sir.
- Q Now Mrs. Humiston you have ~~have~~ examined that record carefully, have you? A I have looked it over somewhat but I can't swear to any of the dates there.
- Q You are not attempting to swear from that record? A I am attempting to swear that those books were kept by my husband.
- Q Other things came from your memory? A Yes sir, I remember from the birth of my son; he was born in the fall of 1862, and then in the spring they moved on to my place and they raised five crops there.
- Q When you were testifying about it being absolutely impossible for Steve to have been away from there as much as a week, you were testifying from your own recollection? A Yes sir, because I know when he wasn't working for my husband he was working wherever they wanted him to work.
- Q You are testifying from your own independent recollection? A Yes sir, I remember it.
- Q You were not testifying then from that record, testifying from your own independent recollection? A From my recollection.
- Q You could have testified just as positively and strongly without the record? A I couldn't have given the dates, only the year.
- Q When you testified that it was impossible for him to have been away from there a week and been down here, you could have been just as positive about it ~~xx~~ without the record? A Yes sir, I think I would have felt sure in my mind that I was telling the truth.

- Q That your positiveness as a witness in this case is based on your own memory and your own recollection and not because you have that record? A What I remember, I remember, yes sir.
- Q I will ask you, and if necessary you may examine the record, if that record doesn't show, as Mr. Hastings read from it, Steve working for your husband every few days and part of the time continuously from January 6, 1866, March, April, June, July, August, and almost every day in September continuously, 1866, doesn't it? Yes sir.

MR. PATTEN:

At this point in order that we may be certain that the record show a copy taken directly from the book identified by the witness, we desire to ask that that part of the record referring to Stephen Lynch on page 2 be copied into the record.

MR. HASTINGS:

I have no objection; let the Attorney for applicant read it.

MR. PATTEN:

January 31st.

Stephen Lynch Cr.

By 14 1/2/26 months work at
\$20.00 per month

1 1.15 7/10

also By three day work by Jesse at
.25 cts. per day 1 day hay hauling

2 road

.75

& by paying toll &c

.50

Dr.

To Cash

5.50

Lamp & oil can

1.25

6.75

- Q In 1866 who were your nearest neighbors other than Steve Lynch? A Mr. McRae, Mr. Hulburt, and Mr. Mumford, step-son of Hulburt.
- Q Who worked for Mr. Emerson in 1866? A He had a good many to work for him; Mr. Frear was one and his son David.
- Q Where did they live at that time? A Just north of us.
- Q How far? A Adjoining farms.
- Q Where do they live now? A The old gentleman is dead and the children are scattered.
- Q Did he have one son living there at that time? A Yes sir, three sons, his son David was a man grown, and he worked a good deal.
- Q Where is David? A He is dead.
- Q Where did he die? A Near Centerville, Kansas.

- Q He continued to live in that community until he died? A Well he married and lived just a short distance from us when he died.
- Q Did any one else besides Frear you remember worked for you? A Paginton.
- Q Do you remember any one else? A David Hill.
- Q Where does he live now? A I don't know.
- Q Did he leave that country? A Well he did but I have heard of him quite often, but I don't know his whereabouts now.
- Q Was he there in 1867, Mr. Hill? A I am not certain about that.
- Q Did he work for you, for Mr. Emerson in 1867? A I am not certain about that.
- Q You know he worked for you sometime about then, do you? A Yes sir.
- Q You don't know what year it was? A I don't know which year; I can't say now just which year it was.
- Q When did he leave that community up there? A I don't know just what time he left; he was a single man.
- Q You don't know what year he worked for you? A I don't remember.
- Q And you don't know what year he left there? A No sir.
- Q Know of any one else that worked for you that afterwards left there? A Mr. Paginton worked quite often.
- Q When did Paginton move away from where he lived right close? A He lives pretty near now, only four miles away.
- Q Did he live with you in 1866 and 1867 up there? A No sir, I think not, he lived where he does now, four or five miles away.
- Q Mr. McRae lived near you in 1866 and 1867? A Yes sir, in the same house where Paginton formerly lived.
- Q How long did he live there? A Perhaps one year.

BY MR. HASTINGS:

- Q If the notes of your testimony given on December 21, 1905, made you answer that Stephen Henry Lynch's family came to your place in the fall of 1863, that is a mistake is it? A Yes sir, that is a mistake they moved there in the spring.

(Witness excused).

MR. PATTEN:

At this point for the purpose of impeaching the witness, Josephine Humiston, I desire that that part of her direct examination conducted by Mr. Davenport at Muskogee, on December 21, 1905, in the supplemental proceedings which were had in the matter of the application for the enrollment of Jacob Bean, et al., as Cherokee Freedmen, that part which constituted the question and answer herewith: "Do you remember about what year they came on your farm? A They came in the fall of 1863." We ask that that be made a part of this record.

MR. HASTINGS:

I have no objection.

ON BEHALF OF THE COMMISSIONER:

There being no objection the request of the Attorney for applicants will be granted.

ON BEHALF OF THE COMMISSIONER:

It now being five o'clock P. M. the hearing of this case will be continued until nine o'clock A. M. tomorrow, January 11, 1907.

January 11, 1907.

In pursuance of continuance above noted, this case being called for further hearing, the following proceedings were had:

LEANDER BEAN, being first duly sworn by John E. Tidwell, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q State your name? A Leander Bean.
Q How old are you? A About 56
Q What is your postoffice? A Vinita, Indian Territory.
Q Are you a recognized Freedman citizen of the Cherokee Nation?
A Yes sir.
Q Did you go out of the Nation during the war? A Yes sir.
Q When did you return to the Cherokee nation after the war? A Well I come down in the fall of 1866.
Q About what time? A Tolable early, about October sometime.
Q Somewhere along in October, about that time? A Got down here about that time, yes sir.
Q Were you ever acquainted with Steve Lynch, a colored man, during his life time? A Yes sir.
Q Did you know him before the war? A Yes sir.
Q Do you know whether or not he went out of the nation during the war? A Yes sir.
Q When was the first time that you remember that Steve Lynch came back to the Cherokee nation after the war? A Shortly after I come down.
Q The same fall? A Yes sir.

- Q Where did he go at that time that he came down, do you know?
A He went to Simon Lynch, s.
- Q Well when he came down that time do you know whether or not he brought his family with him? A No sir, didn't bring no family.
- Q Well about when did he bring his family down? A Somewhere during that winter, somewhere, I don't know what time though, about, --it was cold weather.
- Q Well when he first came down here by himself or at either time do you know whether or not he ever hid him a claim or got him a place down here? A No, not particularly.
- Q You don't know about that? A I don't know what about that.
- Q Well where did he live, where did he take his family when he brought them down here that winter? A He took them over there to where he died at; over there about Simon's, right out close to where he died, on the old Lynch place; seem to me about the same place he left, where he used to live.
- Q Did he live in that same neighborhood where he took his family after that up until his death? A Yes sir.
- Q Where did you live at that time? A I lived up there at that Dr. Thompson place, above him there.
- Q About how far away from that? A I guess straight through by crossing the River twice about two and a half or three miles probably.
- Q How far is it around? A I guess 12 miles, I expect, 10 or 12.
- Q Now after Steve Lynch brought his family down that winter, do you know whether he ever went back to Kansas again or not, or do you know? A No sir, I don't; I don't know much about him that way, he might have, I don't know.
- Q What was the condition of times in the Cherokee nation at that time, pretty hard? A Yes sir, I reckon so.
- Q Do you know whether or not there was many or a great number of freedmen who went back to the states along in 1867, the year following the time they came down here in order to work or such as that? A I couldn't name the men.
- Q Were there quite a number of them did that? A Yes sir, had to and went back and worked a little while at a time, and some Indians too.
- Q Were you ever at what was known as the Bob Daniels Court, the Supreme Court of the Cherokee nation, at Tahlequah in 1871, when it was held there? A Yes sir.
- Q Do you know whether there was a great number of freedmen appeared before that Court about that time? A Yes sir, there was a good many.
- Q That was at the time that they were supposedly summoned there in regard to their citizenship rights? A I suppose so.
- Q Well do you know whether or not that bunch of people of a large part of them from over there on Grand River where Simon Lynch lived and where Steve Lynch lived and where you lived, went down there? A Yes sir, pretty near all of them from that neighborhood went.

- Q Do you know of anything that happened down there in regard to those cases or any part of them about trying them or anything like that, why relate it? A All the old man said about, asked me what I was doing there, Bob Daniels himself. I had left his place and went down there just on my own responsibility and he asked me what I was doing there and I said I was just come down to see what you fellows were doing and he said no use for you to come down here, why you have got just as good a right as I have, in fact we are not wanting or calling for you fellows down here so you go on back home and go to work.
- Q Is that what he told a bunch of those people in your presence? A Yes sir, told all the people there at that time.
- Q He also told you there was no cause for you to be there, that you had a good right? A Yes sir, had as good a right as he.
- Q Do you know whether or not you were admitted by that Daniels Court? A I don't know whether I was admitted or not.
- Q Your citizenship rights ever disputed? A Yes sir.
- Q You are not on the 1880 Roll? A Yes sir.
- Q Your case was tried before the Commission here? A Yes sir.
- Q Your enrollment has been approved by the Secretary? A Yes sir.

BY MR. HASTINGS:

- Q You were a slave before the war? A Yes sir.
- Q How old do you say you are? A I am some over 56, but about 56, I am not 57 yet, not far from it.
- Q Was your father alive in 1871? A No sir.
- Q What was his name? A Jack Bean.
- Q Do you know the first year you ever saw Stephen Henry Lynch? A Yes sir, I know in '66 in the fall.
- Q You know it was 1866? A Yes sir.
- Q What are you so restless in your seat for why don't you sit there and answer? A I am sitting here.

~~RECORDED~~

MR. PATTEN:

Wait a minute, we object to this impertinent manner-----

On motion of the Commissioner this case was here continued until 1:30 P. M.

(Cross-examination of witness Leander Bean continued at 1:30 P. M.)

BY MR. HASTINGS:

- Q Were you a slave before the war? A Yes sir.

- Q How old were you in 1866? A I was 16, 18 years old somewhere.
- Q Where were you living at that time? A Lived part of it in Kansas and part down here.
- Q Well after you come down here where were you first living? A Up here at the Dr. Thompson place.
- Q And how far was that by road, the way you had to go around to get down to this Joe Lynch place? A About 10 or 12 miles.
- Q Were you ever down to that Lynch place in the year of 1866? A Yes sir.
- Q What time in the year were you down there? A Oh it was along the latter part of October, somewhere along about then.
- Q At that time did you see Steve Lynch? A Yes sir.
- Q Did you see his family? A No sir.
- Q Did you ever see his family? A Yes sir.
- Q When did you see his family? A Along that winter, it must have been, expect a half month, may be a month, somewhere along there; it was cold weather.
- Q Was it as late as the last of November? A It was later than that.
- Q Was it as late as January? A It was about Christmas time.
- Q What were you doing down there? A Went down to see them folks down there.
- Q Who was living on the Lynch place at that time? A This old man Stephen Lynch.
- Q Who else was living there? A I don't know of anybody else there in the house at that time.
- Q Who was living there in October when you were down there? A The same parties, that is Simon Lynch lived close there.
- Q Don't you know that George W. Scraper was living in that Lynch house in 1866 and made a crop there? A I don't know as he made a crop.
- Q But he lived there? A I don't know, it seems to me he got out.
- Q Was he living there when you were down there? A Had been living but I don't think he was there then.
- Q Well who was living there at that time? A This old man Steve Lynch.
- Q Anybody else living there? A Well wasn't living in that house then, in his own house, a house he built before the war I reckon, he built it.
- Q And how far from the main Lynch place? A It was right close, I don't just know how far.
- Q Now you say you don't know whether his family went back up there after you saw them after Christmas or not? A No sir, I don't know nothing about them going back.
- Q Were you down there any time after Christmas, 1866, during the year 1867? A A good while afterwards.
- Q Were down there in the spring any time? A No sir, not in the spring.
- Q Were you down there in the early summer? A I didn't see them at all.

- Q Did you see them in the late summer of 1867? A No sir.
- Q Will you swear that Stephen Lynch didn't work for a Mr. Emerson up in Kansas for four days during the week ending January 8, 1866? A No sir, I want swear that; I don't know nothing about him working there.
- Q Will you swear that Stephen Lynch and his family and that this Jesse Vann were not in Kansas, and that Stephen Lynch did not work for Emerson 14 1/2 days during the month of January, 1867?

MR. PATTEN:

We desire to object to the question because we are of the opinion that the record will show, while he paid him for 14 1/2 days work during January, 1867, the record does not show that the work was done at that time.

ON BEHALF OF THE COMMISSIONER:

The objection will be noted.

- A I swear he come down here about Christmas time, somewhere in December.
- Q I asked you if you will swear he didn't work 14 1/2 days for Emerson in the month of January, 1867? A No sir, I won't swear it; I don't know nothing about it.
- Q You don't know where he was in the month of January, 1867? A No sir, I won't swear that.
- Q Will you swear where he was on March 6, 1867? A I don't know anything about the '67 business.
- Q Did you see him during March, 1867? A No sir.
- Q Did you see him during the month of April? A I didn't see him at all.
- Q Were you ever down at the Lynch place? A I have been there yes.
- Q I mean during the year 1867? A I have been down there.
- Q Well were you at the Lynch place during the year 1867? A Yes sir, I have been by there.
- Q Did you see Steve Lynch there? A I didn't see him.
- Q See any members of his family there? A No sir.
- Q When Stephen Lynch first settled after 1867 where did you find him? A I found him down below there where he died.
- Q Did he build a house down there? A I think he did, I am pretty sure he did.
- Q Pretty sure he built a house down there? A Yes sir.
- Q Did he build a new house when he come there? A Yes sir.
- Q And moved into it? A Yes sir.
- Q Out there in the woods? A In the edge of the woods.
- Q Made him a place out there, did he? A Yes sir.
- Q Do you know anything about him trying to get on a place of Anderson Bengt's? A No sir, I don't.

- Q Never heard of that? A No sir, I don't know anything about it.
Q Do you know anything about dates? A Not much.
Q You have got no record nor data about when you saw this family?
just depend on your memory? A I didn't keep any dates, no
records.
Q What year did they have the Wallace payment? A In '89.
Q Didn't you know they never made the payment that year? A I
don't about the payment, the Court is what I was thinking about..
Q Do you know when they made the payment? A Shortly after that
sometime.

(Witness excused).

TOBE BEAN, being first duly sworn, by B. P. Rasmus, a Notary
Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q State your name? A Tobe Bean.
Q How old are you? A 70/
Q What is your postoffice? A Ketchum, Indian Territory.
Q Are you a recognized freedman citizen of the Cherokee nation?
A Yes sir.
Q Did you go out of the nation during the war? A Yes sir/
Q When did you return to the nation yourself after the war? A '66
Q What time in 1866? A Along early in the fall.
Q Were you ever acquainted with a colored man by the name of
Stephen Lynch any time in his life time? A Yes sir.
Q Did you know him before the war? A Yes sir.
Q Do you know whether or not he was out of the nation during the
war? A Yes sir, he was out.
Q You say you returned yourself in the fall of 1866? A Yes sir.
Q Well now when was the first time that you remember of ever
seeing this Stephen Henry in the nation after the war after you
cameback? A Along in the winter of '66.
Q Was that the winter following the time you cameback? A Yes sir.
Q Where did you see him at that time? A At the Joe Lynch place.
Q In the Cherokee nation? A Yes sir.
Q By Grand River? A Yes sir.
Q Was he there in the neighborhood of where Simon Lynch lived?
A Yes sir, right close there.
Q At the time you saw him there as you stated, in the winter of
1866, did he have his family there? A No sir, his family hadn't
come yet.
Q Did you see him sometime before the winter as you stated, when
was it you first saw him? A That was in that fall some time;
he went back to Kansas then.
Q Did he have his family the first time? A No sir.

- Q Did you ever see him in the Cherokee Nation after he had his family here? A Yes sir.
- Q When was the first time you saw him then? A Along in the winter of '66, just before Christmas.
- Q Did he have his family living there? A Yes sir.
- Q What, if you remember, were the condition of times in the Cherokee Nation in the spring and summer of 1867 following their return, were they hard? A Yes sir, they were pretty hard.
- Q Do you know whether or not any or a large number of freedmen ever went back to the states from where they came after the war during that year? A Yes sir, several of them went back.
- Q Did you ever go back yourself? A Yes sir, I went back two or three times.
- Q What was it that rendered it necessary to make these trips back? A Provisions.
- Q Couldn't they get them down here? A No sir, not handy they couldn't. Wasn't any work or nothing to do.
- Q Were you ever before the Supreme Court of the Cherokee Nation about 1871, what is commonly known as the Daniels Citizenship Court? A Yes sir, I was there.
- Q At the time you went did anybody else go? A Yes sir, lots of them went.
- Q Did that aggregation from around Grand River, that neighborhood, were they down there? A Yes sir.
- Q What, if any, kind of a trial, what did they do in regard to those citizenship matters? A Nothing, never done nothing.
- Q Did you stay or go home? A Went home after Judge Daniels told us to go home, that they didn't have no use for us then and we all come home.
- Q Well did this crowd that went there from that neighborhood on Grand River, did they go together? A Yes sir, a whole lot of them went together.
- Q And how long did you stay down to Tahlequah? A Two or three days, I guess.
- Q Did you stay until the Court told you what you said? A For us to go home, he didn't raise nothing on us.
- Q What did he say? A He just said he didn't have no use for us there, wasn't calling us there yet.
- Q Were you ever called before that Court any more, before the Bob Daniels Court? A No sir, wasn't called back there no more.

BY MR. HASTINGS:

- Q You were a slave before the war? A Yes sir.
- Q You can't read nor write? A No sir.
- Q You testified in a great many of these cases for Starr & Patten, haven't you? A Three I believe.
- Q Well I will ask you if these same Attorneys had you to sign an affidavit to be filed in support of a motion to reopen the case of Rachel Whitaker, P D 186? A I don't know as I know her.

MR. PATTEN:

The Attorney for applicants would ask that since the witness has stated that he didn't know her, that the Attorney for the Cherokee nation explain more fully what the case is so that the witness may more intelligently answer.

ON BEHALF OF THE COMMISSIONER:

The suggestion will be noted.

- Q Her father is George Bryant; did you make an affidavit to support a motion to reopen that case? A Yes sir, if that is the Rachel,--Rache McGhee when I knowed her.
- Q Are you the same Tobe Bean that made an affidavit for these same Attorneys to be attached to a motion to reopen in the case of Jennie Martin, D 197? A Jennie Martin,--Wilson Martin's daughter?
- Q Yes? A Yes sir.
- Q Are you the same Tobe Bean that made an affidavit to support a motion to reopen the case of Elias Downing, D 245? A Yes sir.
- Q Did you make an affidavit to support the case of Moses Riley D 258? A Yes sir.
- Q Are you the same Tobe Bean that made an affidavit to support a motion in the case of Emma Purtle D 255, a sister of Mose Riley? A I don't recollect making any affidavit to that effect.
- Q You made an affidavit in this case, the Jesse Vann case? A Yes sir.
- Q You made one to support a motion to reopen the Sam Vandrum case, D 392? A Yes sir.
- Q You also made one to support a motion to reopen the Payton Martin case, D 304? A I don't think I had anything to say in Pate's case.
- Q Well did you or did you not? A I don't think I did; I don't recollect it if I did.
- Q Are you the same Tobe Bean that made an affidavit to support a motion to reopen the case of Lattie Thornton, D 578? A Yes sir.
- Q You have testified in a good many cases, besides those? A No sir, I don't recollect that.
- Q How far did you live from the old Joe Lynch place? A About a mile.
- Q How far was it by road? A Just about a mile.
- Q Well when you first settled up there in 1866? A Oh it was about three miles then.
- Q Across the River? A I stayed on this side of the River while.
- Q At whose place? A At the Charles Vandrum place.
- Q Who was living in 1866 on the old Lynch place? A Old man Scrapper.
- Q Old man George Scrapper was living there? A Yes sir.
- Q That was George W. Clark's father-in-law? A Yes sir.
- Q Did George Clark have occasion to be at old man Scrapper's now and then? A I never saw him there.

- Q Well you made an affidavit to support a motion to reopen this case once? A Which case?
- Q This Jesse Vann case? A Yes sir.
- Q You didn't say anything in your affidavit, which was quite an extensive one, you didn't say anything about having seen Stephen Henry Lynch down here in the fall of 1866, did you,--I mean in the early fall, that is down here by himself? A If it is there I made it.
- Q I say you didn't say anything about it in that affidavit, did you? A No sir.
- Q Why didn't you? A Didn't know it was necessary.
- Q Where did you first see Stephen Henry Lynch in the Cherokee nation after the war? A Over there at the Joe Lynch place.
- Q And Scraper was living on the Lynch place at that time? A I think he had moved back across the Prairie.
- Q Then Scraper had moved away before you saw Stephen Henry Lynch there? A When I saw him the first time he hadn't moved away.
- Q That was when he come horse back? A Yes sir.
- Q But when he moved Scraper was gone? A Yes sir, I think he had.
- Q Now when he moved where did you first see him? A On the Joe Lynch place in the old house he moved out of before the war.
- Q Where were you living then? A Down close to the mouth of Sabin Creek.
- Q Who were you living with? A Crap Lynch.
- Q Now about what was the first time in the year you saw Stephen Henry Lynch? A Along in the fall sometime, I don't know exactly what time.
- Q Early in the fall? A Yes sir, pretty early, about the middle of the fall.
- Q September? A I guess it was October.
- Q Before the middle of October? A It might have been before the middle, it was in October sometime.
- Q When did you next see him? A I saw him along before Christmas a short time.
- Q Well how long before Christmas? A A week or two I guess.
- Q Well now where did you next see him after that? A Right there at the same place she was living there.
- Q How long after Christmas before you saw him? A I saw him there Christmas.
- Q Well how long after Christmas? A Saw him until along the first of the spring.
- Q In March or April? A I don't know whether it was March or April it was one of them months.
- Q You saw him right along all the time until March or April? A Yes sir.
- Q And right there on the Lynch place? A Yes sir.
- Q Family was living there? A Yes sir, after they moved there his family lived there.
- Q You saw him and his family right along until March or April, 1867? A Yes sir, sometime directly after Christmas.
- Q Well you saw them from directly after Christmas until March or April, 1867? A Yes sir, I guess it was March or April.

- Q Well, don't you know he worked 14 1/2 days in the month of January, 1867, for a Mr. Emerson in the State of Kansas?

MR. PATTEN:

We desire to enter the same objection to that question for the reason that the record does not show for itself at what time those 14 1/2 days was done.

ON BEHALF OF THE COMMISSIONER:

The objection will be noted.

- Q Now long did he live on the Lynch place? A Until about the winter of 1867, I believe then he built him a house; bought him a place from Uncle Simon and moved there.
- Q In 1867? A Yes sir, I think it was '67.
- Q Winter of 1867? A Yes sir.
- Q And that was up on the edge of the Prairie? A Yes sir.
- Q And that was in the winter of 1867? A Yes sir, I think it was.
- Q That was known as the pulling place? A I don't know what place it was; Simon claimed it.
- Q That was in the winter of 1867? A Yes sir, in the winter of '67.
- Q Well now did you see Stephen Henry Lynch during the spring of 1867? A I saw him early in the spring; I didn't see him late in the spring.
- Q Well what become of him, you were right there by him? A I think he went back to Kansas for work or something.
- Q Why didn't you state that in your affidavit to reopen this case on the 8th day of November, 1905? A Why didn't I make that statement.
- Q Why didn't you state it then that he went back? A They didn't ask me, didn't know I had to state that.
- Q Well then he had returned from Kansas the next time before he went up there on to this place that he got from Simon in the winter of 1867, had he? A I think he went back when he was staying at the Lynch place.
- Q That is what I say, and when he come back the next time he moved up to a place he got from Simon? A Yes sir, he went back two or three times; I don't know how many times he went back.
- Q I will ask you if you didn't swear in your affidavit on the 8th day of November, 1905, with reference to seeing Stephen Henry Lynch and family as follows after swearing that you saw him in the fall of 1866; "While I was living with Anderson Lynch in the late fall or early winter of 1866 Stephen Henry Lynch, the father of Daniel Henry Lynch moved into a house he built at the commencement of the rebellion. This was on Joe Lynch's old place and had been used by Steve when a slave of Joe. Steve lived in this house until he could build him a new log house?" A Yes sir, he did.

- Q Now you swear he went back to Kansas in the spring of 1867?
A He might have built a house before he went back.
- Q You didn't swear that awhile ago, didn't you swear he went back to Kansas from the Lynch place and he come back to this new place in the winter of 1867 when he come back the last time?
A Yes sir.
- Q That is the truth, is it? A I aint decided yet whether it is ~~about~~ the truth or not; how was it, now tell me again?
- Q Didn't you say awhile ago that Stephen Lynch went back from the Joe Lynch place to Kansas? A Yes sir.
- Q And didn't you say when he come back the last time, namely in the fall of 1867, that he got this place from Simon Lynch and built him a new house up there and lived there? A Yes sir, that was after he come back from Kansas.
- Q The last time? A Not the last time, he went two or three times.
- Q It was when he come back from Kansas in the winter of 1867?
A When he built the new house?
- Q Yes? A Yes sir, he built the house and then went after his family and when he come back he moved into it.
- Q Didn't you swear just now he lived on the Joe Lynch place? A Yes sir.
- Q And didn't you swear he ~~lived~~ lived in the old house he lived in before the war? A Yes sir.
- Q And didn't you swear just now that he lived there until sometime in March or April, 1867, and then went back to Kansas from this same Lynch place? A Yes sir, I swear he went back to Kansas.
- Q And didn't you swear he went there from this old Lynch place, back to Kansas? A Yes sir, he went back from the old Lynch place.
- Q And didn't you swear that when he come back in the winter of 1867 he come back and went up and built a house on the place that he then bought from Simon Lynch? A I don't know, but what he built his house before he went back to Kansas, and didn't have it done and then when he come back he lived at the old Lynch place until he finished the house.
- Q You don't know about that? A I know that was when it was.
- Q You swore awhile ago positively that he got that from Simon in the winter of 1867? A It was just a claim.
- Q No house there? A No sir, laid a foundation for a house.
- Q Was that all there was? A Was when he bought it.
- Q Didn't you swear awhile ago he bought it in the winter of 1867 after coming back that last time? A I think it was in the winter of '66 when he bought it.
- Q Well - am asking you now if you didn't swear that other awhile ago? A Yes sir, a fellow is liable to make mistakes sometimes.
- Q Didn't you see him during the month of March, 1867? A I think I saw him.
- Q Where was he? A There at the old Lynch place.
- Q Well how late in March? A I don't know, along toward the first.
- Q Did you see him in April, 1867? A I don't recollect seeing him.
- Q June? A No sir.
- Q July? A No sir.

- Q Well then if I understand you Stephen Henry Lynch never located at the old Lynch place but when he located he located up there on the place he got from Simon Lynch? A He lived there at the old Lynch place awhile.
- Q Just stayed there in the cabin awhile? A In the house, yes sir.
- Q Now Tobe you knew Bob Daniels well didn't you? A Yes sir.
- Q You knew him before the war, didn't you? A Yes sir.
- Q He lived up there in your community, didn't he? A Yes sir.
- Q And he knew all the older people around there, didn't he? A Yes sir.
- Q And all of you knew Bob Daniels? A Yes sir, knew his name anyhow.
- Q Don't you know that a great many freedmen were admitted by that Bob Daniels Court down there in 1871? A Yes sir, a good many.
- Q And don't you know that they had to hear testimony in order to be admitted? A Yes sir.
- Q And don't you know they did? A They did.
- Q And he told you people to go back just because he knew of his own personal knowledge you came back too late? A No sir, he said we were all right.
- Q You knew they were trying cases when you were down there? A Yes sir.
- Q And witnesses were being examined? A Yes sir.
- Q And you know they were rendering decision? A Never rendered any on my case.
- Q Any other case? A Some after I left.
- Q You know they admitted some after you left? A Yes sir, and heard testimony against us after we left.
- Q You did go back to Kansas, didn't you? A Yes sir.
- Q I want to refer back now, I will ask you if you remember of making an affidavit to support the motion to reopen the case of Payton Martin, D 304? A I don't recollect making that affidavit.
- Q Do you swear you did or didn't? A Of it is there and my name is signed to it, I must have made it.
- Q You can't read nor write, can you? A Yes sir.
- Q You wouldn't know it if you saw it? A No sir.
- Q Are you in the habit of making affidavits in these cases without reading or considering them?

MR. PATTEN:

We desire to object to the question and ask that if an affidavit was made by this witness in the Payton Martin case that the affidavit be read to him so he can be able to recognize it.

ON BEHALF OF THE COMMISSIONER:

The objection will be over-ruled.

A I believe that is the only one I don't recollect of making, I recollect all the others.

- Q You recollect all the others? A Yes sir, what you read to me.
- Q And you have got no recollection whatever of making one in the Payton Martin case? A No sir, I aint, though if I can hear it read---
- Q Did you come down here and testified in that case when we tried it? A No sir, I wasn't here.
- Q You didn't know then when Payton Martin come back? A No sir, I never made one in Payton's case.
- Q You didn't know then when he come back? A I didn't exactly know when he come back.
- Q Well you say you didn't know exactly when he come back? A No sir.
- Q When you --Nor you never saw him for sometime after you come back? A Yes sir, I saw him a little while and he went off to Texas.
- Q Did you see him in 1868 or 1869? A I think it was in the spring of '67 when I first saw him and he went off south somewhere.
- Q You saw him then in the spring of 1867 sometime? A Yes sir.
- Q Was it in March or April? A March.
- Q Where did you see him in March, 1867? A At his brother's Fred Martin.
- Q Where did Fred Martin live? A Lived close to the mouth of Cabin Creek.
- Q Well did you just see him there one time? A No sir, I seen him there several times.
- Q Now when did he leave there? A In March sometime I think.
- Q And how long was it after that that you saw him?

MR. PATTEN:

We desire to enter an objection to this line of cross-examination for the reason that it is immaterial to the case and irrelevant and consequently inadmissible, and further object to it because it would be matter improper to impeach the witness with because it is immaterial to the issues in this case, and we insist upon this objection.

MR. HASTINGS:

I will with-draw it, I don't care about that.

- Q I want to ask you if you didn't swear in your affidavit on May 25, 1906, before Jessie Patten, that you were acquainted with Payton Martin, that you knew he came to the Cherokee Nation, Indian Territory, and was a resident therein prior to February 11, 1867? A Yes sir I guess I did.
- Q You swear now that you never saw him until March, 1867, don't you? A Yes sir, I did swear that.
- Q You swear pretty near anything when they fix up an affidavit, don't you? A No sir.

- Q Have you ever refused to sign an affidavit that has been fixed up? A Yes sir.
- Q In what case? A Lots of them.
- Q In what case have you ever refused? A Several of them.
- Q Can you name one? A Yes sir, a woman by the name of Mary Martin wanted me to sign and I didn't know nothing about her return.

BY MR. PATTEN:

- Q You said awhile ago I believe in answer to Mr. Hastings' question that you saw Payton Martin had his brother Fred Martin, about March, 1867, didn't you? A Yes sir.
- Q You made this affidavit in which you said as Mr. Hastings quoted, "I am acquainted with Payton Martin and know he came to the Cherokee nation, Indian Territory, and established his residence therein prior to February 11, 1867?" A Yes sir.
- Q Is that true from what you know? A Yes sir.
- Q Now you were a witness in the Hayfield case, weren't you? A Yes sir.
- Q We were the Attorneys in that case? A Yes sir.
- Q And you were a witness in the Hardrick and Lyons case? A Yes sir.
- Q We were the Attorneys in that case? A Yes sir.
- Q You made an affidavit to support a motion for a new trial in the Wilson Martin case? A Yes sir.
- Q That is the same as the Jennie Martin case? A Yes sir.
- Q You made an affidavit to support a motion for a new trial in the Elias Downing case? A Yes sir.
- Q And in the Mose Riley case? A Yes sir.
- Q And you also was a witness in this, the Jesse Vann case? A Yes sir.
- Q You were a witness also in the Sam Landrum case, weren't you Tobe? A Yes sir.
- Q That case was on the return of Boney Dan Landrum, wasn't it? A Yes sir.
- Q Now those cases, isn't it a fact that the main applicants or their ancestors in these list of cases that I have named to you and in which Mr. Hastings read to you, isn't it a fact that they returned and settled in that same community, generally over there on Grand River? A Yes sir.
- Q Where did you live in 1866? A Right across the Creek on the east side of Cabin Creek; what they call the old Charlie Landrum place.
- Q You were at or near this neighborhood? A Yes sir.
- Q You knew these people, didn't you? A Yes sir.
- Q You could have known when one returned about as near another?

MR. HASTINGS:

We object to this line of questioning because it is leading for a number of questions back.

MR. PATTEN:

Just cut out that last question.

- Q Could you have known then about as well when one of these people came back as near as another one did? A Part of the time, I couldn't sometime, they would settle way off.
- Q Well you did in this bunch of cases, didn't you? A Yes sir.
- Q Now after you returned home there from that Bob Daniels Court, in later times, since this Commission has been sitting, was your citizenship rights ever contested? A Yes sir.
- Q You were on a doubtful card once yourself? A Yes sir.
- Q Did you have a trial in your case before the Commissioner? A Yessir.
- Q And what disposition was made of it, were you enrolled? A Yes sir, was enrolled.
- Q That decision was approved by the Secretary of the Interior, was it? A Yes sir.

(Witness excused).

SAM WEBBER, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q State your name? A Sam Webber.
- Q How old are you? A About 60.
- Q What is your postoffice? A Nowata, Indian Territory.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Along about 1871 or '72 were you ever summoned or called before the Supreme Court of the Cherokee Nation, commonly known as the Daniels Court? A Yes sir.
- Q What was your father's name? A Sam Webber too.
- Q Was he down before that Court? A Yes sir.
- Q At the time that you went were there any other people on the road that went? A There was quite a number that went.
- Q Was that Court then investigating any freedmen citizenship cases then? A Yes sir.
- Q Where was that held? A Tahlequah.
- Q Now when you got to Tahlequah or when you were summoned tell if, you can what took place and what disposition, if you know, was made of any of those cases and what happened? A Why they put five of us on the roll.
- Q Who were they, do you? A My father and my eldest brother, Johnson Webber, Harry Still myself and Charlie Campbell.

- Q You started to say something about not being summoned? A Why we seed a piece in the newspaper printed there at Tahlequah telling us all to come ebefore the Daniels Court and they would enroll us.
- Q Well did you go and how did you go? A Why we went horse back; there was some wagons along in the crowd, but the majority was horse back.
- Q Do you know whether or not th t crowd of people that lived over on Grand River around Simon Lynch's and those people were down there? A Yes sir.
- Q Now when you got through those five persons you just named including your father, and yourself and your brother, were those cases tried? A Yes sir.
- Q Submitted testimony in them? A Yes sir.
- Q And you were enrolled? A Yes sir.
- Q What, if any, disposition was done with that other bunch of people? A Why they said the Court wasn't particular for the freedmen but said they would set a Court and notify them to come there afterwards, and told them to go home and go to work.
- Q Who told them that? A Judge Bob Daniels.
- Q Was the Judge of that Court? A Yes sir.
- Q He was the Court himself, was he? A Yes sir.

BY MR. HASTINGS:

- Q You knew Bob Daniels himself? A I knew him.
- Q You say there wasn't but five admitted by that Court? A Just five.
- Q You swear that? A Of course I was right there and that was all.
- Q And you swear no toher freedmen were admitted? A Th t is all.

BY MR. PATTEN:

- Q That is while you were there? A Yes sir, just while I was there.

BY MR. HASTINGS:

- Q Was there ay other freedmen enrolled in 1871 by this Bob Daniels Court? A If there was I never seen them; of course we went away when we got through.
- Q Other freedmen were in there hainp their cases heard? A They all went with us.
- Q No other freedmen were ever admitted by that Court except the five you mentioned? A That is all I know of.
- Q Now mention them again? A My father Sam Webber, Johnson Webber, Sam Webber again, that is me, Charlie Campbell and Harry Still.

- Q You are the Sam Webber that has been testifying in so many freedmen cases, aren't you? A Yes sir.
- Q Are you the same Sam Webber who testified for Beckey Webber? A Yes sir.
- Q Whose postoffice is Ruby, I. T.? A Yes sir.
- Q Are you the same Sam Webber who testified for George Ward, D 425? A Yes sir.
- Q Are you the same Sam Webber who testified for warriet Daniels, D 437? A Yes sir.
- Q Are you the same Sam Webber who testified for Wilson Towers, D 466? A Yes sir.
- Q Are you the same Sam Webber who testified for William H. Bufington, D 555? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Catherine Ward, D 562? A It was Catherine Whitmire, then Catherine Ward, now that is the same one.
- Q Are you the same Sam Webber that testified in the case of Abraham Ward, D 607? A Yes sir.
- Q Are you the same Sam Webber that testified in the case of Melinda Webber D 609? A Yes sir.
- Q Are you the same Sam Webber that testified in the case of Eliza Starr D 620? A Yes sir.
- Q Are you the same Sam Webber that testified in the case of Amanda Will, D 625? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Frances Anderson, D 627? A Yes sir.
- Q Are you the same Sam Webber that testified in the case of Santa Anna Nivens, D 602? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Jack Starr, D 443? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of David Ross, D 799? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Mariah Reynolds, D 802? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Susie Lowe, D 824? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Martha Phillips, D 852? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Rebecca Webber, D 853? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Elizabeth Duncan, D 871? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Jefferson Ross D 872? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Elizabeth Timmon, D 892? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Richard Towers, D 955? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Andy Webber, D 959? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Nicholas Landru, D 1008? A Yes sir.

- Q Are you the same Sam Webber who testified in the case of George Tucker, D 1013? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Amanda Brown, D 1015? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Carrie Jones, D 1028? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Betsy Reed? D 1093? A Yes sir.
- Q Are you the same Sam Webber who testified in the case of Bertha Glass, D 1099? A Yes sir.

MR. HASTINGS:

The representative of the Cherokee Nation desires to refer to these cases as being cases rejected by the Commission to the Five Civilized Tribes, the rejection of which has been affirmed by the Secretary of the Interior.

MR. STARR:

Comes now the applicants and move to strike out the questions and answers relative to the cases in which the witness has testified for the reason that testimony which the witness has given in each particular case is not shown to be on a material point in the case and for the further reason that the cases named are in instances consolidated cases where the witness testified in one case and his testimony,--copies of his testimony were put in the others, which would make it appear in the record that he testified in each particular case.

MR. HASTINGS:

The statement made by the Attorneys for the applicants will not have that effect for the reason that we now only ask them to be referred to and the Commissioner to the Five Civilized Tribes can notice and see whether or not the applicant has testified on a material point, and whether or not it is a consolidated case, but it certainly will be of value in weighing the testimony of this witness to have the Commissioner to the Five Civilized Tribes know and to have the Department know that this witness acknowledges that he has testified in twenty-nine cases which we have cited, of which all have been rejected by the Commission to the Five Civilized Tribes and this rejection affirmed.

MR. STARR:

The Attorneys for applicants deny that all of these applicants in the cases named have been rejected by the Commission and affirmed by the Department.

MR. HASTINGS:

If the Attorney will specify any single case that has been called let him do so now.

MR. STARR:

The case of Andy Webber is one of them that we call to mind.

MR. HASTINGS:

I desire to now enter a correction in the one case referred to, Andy Webber, which has been remanded since the notation was made, and I assert that the other twenty-eight cases do show that they have been rejected, and that that rejection has been affirmed.

ON BEHALF OF THE COMMISSIONER:

The motion of the Attorneys for the applicants, and the answer of the representative of the Cherokee nation, will be noted.

(Witness excused):

WILLIAM HUDSON, being first duly sworn by B. P. Reamus, a Notary Public, testified as follows on behalf of Cherokee nation:

BY MR. HASTINGS:

- Q What is your name? A William Hudson.
Q What is your postoffice? A Fort Gibson, Indian Territory.
Q Is your wife a Cherokee Freedman? A Yes sir.
Q You didn't belong to the Cherokees before the war? A Yes sir.
Q When did you marry your wife? A 22nd day of May, '67.
Q And have you lived in and about Fort Gibson ever since? A Ever since, never left the town.
Q Do you remember the Bob Daniels Court when it was held at Tahlequah in 1871? A Yes sir.
Q Were you in attendance before that Court? A I was.
Q Did you make any application at that time to be admitted as a freedman citizen by intermarriage? A I did.

- Q Was your case heard? A Yes sir.
- Q Were there other freedmen there at tha time applying? A Yes sir
- Q Were they having a regular trial before the Court? A Yes sir.
- Q Did you ever hear of any of them being sent away from there and their cases not tried and wanted to try? A Not while I was there They were all heard and we come home together; there was 10 or 12 of us together and we had to wait when one when through until the others got through ad all come back to Gibson together.
- Q Quite a number went up? A Yes sir, at the time.
- Q And everybody that wanted to be heard got a hearing? A Yes sir, I got mine and I had to wait until some of the others got through; I was there three days, people waiting on the others.
- Q They took testimony did they? A Yes sir.
- Q And did you hear of any crowd of freedmen at that time being sent away from there without a hearing? A Not while I was there.

BY MR. PATTEN:

- Q What did you say your name was? A William Henry Hudson.
- Q You are not a freedman, yourself? A No sir, I married according to the laws of the Cherokee nation.
- Q Where were you living in 1867? A Fort Gibson.
- Q You say there was a little crowd went down there from Fort Gibson? A Yes sir
- Q You had your cases tried? A Yes sir, they called it the Citizenship Court of the Cherokee nation.
- Q And about how many were in that crowd? A There was 10 or 12 as well as I recollect and they are all dead but one man and he is over at Gibson now.
- Q When was it you went down before that Court? A In '71.
- Q That little crowd from Fort Gibson, they had their cases tried before the Court? A Yes sir
- Q Do you know whether or not part of them were admitted, were they? A Some were admitted and some wasn't; I know of two or three families admitted and I wasn't, and on the ground I wasn't admitted was because I was intermarried and others were citizens come in too late and they tried them all.
- Q Where had you lived before that time, before 1867? A I was in the army.
- Q Had you lived in the Cherokee nation before the war? A No sir.
- Q How long did you continue to live in Fort Gibson after 1871? A I have been there ever since.
- Q Did you live in Fort Gibson from 1867 to 1871? A From the first day of March, '66, until now; I haven't been anywhere else only out a little while at a time like I am here.
- Q This was at Tahlequah, wasn't it? A Yes sir.
- Q How long were you there at Tahlequah? A About three days waiting for the parties that I went there to get a hearing from the Cherokee Court.

- Q You were in Tahlequah then about three days at that time? A No sir.
- Q You don't know what happened before you went? to Tahlequah? A No sir, not before or since but at that time we got a hearing and I employed an Attorney to attend to my business after I left there, W. P. Boudinot, a old lawyer and I left my papers and everything with him.
- Q You had your case properly attended to and was represented by an Attorney? A Yes sir, that is after I left there.
- Q After you left the Court, then you left it in the hands of an Attorney? A Yes sir.
- Q Are you very generally acquainted over the Cherokee nation? A Yes sir, I know pretty much everybody, I was there directly after the war and most of the colored people and everybody else went there for living things, and the Government had an army there and people went there for protection. You can find most every colored citizen and white citizen directly after the war they knowed something about Fort Gibson.
- Q If a crowd of people like that crowd was, a large crowd, went before that Daniels Court in 1871 or 1872 in order to have their rights investigated, if it went there before you did or after you did and the Court told them they were not trying those cases you couldn't swear that that wasn't true? A I couldn't say anything like that only what I saw myself; they heard me and others; I was there three days waiting for the crowd so we could all go home together.

(Witness excused).

MR. HASTINGS:

Now along this same line the Cherokee Nation offers to accept the testimony of Jerry Fields, the witness whose name is placed upon the list of witnesses furnished by the Attorneys on behalf of the applicants, who testified as to this Court and the proceedings before it in the Andy Webber case and who was introduced by the same Attorneys for the applicants as are representing these applicants now and examined by them and cross-examined by me on behalf of the Cherokee nation.

MR. PATTEN:

In reply the Attorneys for applicants would respectfully say that while they appreciate the offer of the representative of the Cherokee Nation, yet we have always contended before this Commission that it is improper practice to take a record from another case and put into the case at bar when the witness is alive and able to be produced at this trial, and for that reason considering it is improper, if we desire the testimony of Jerry Fields we would certainly follow the practice that we have attempted to insist upon before this Commission and introduce Jerry Fields in person, and therefore decline the offer.

MR. HASTINGS:

In view of the fact that he was introduced by these same Attorneys for these applicants, and examined by them, and in view of the fact that the applicants gave this same man as a witness in this case, and in view of the fact that we now specifically waive the right to not have him present and permit the testimony to be introduced, we now offer it in evidence in this case.

MR. PATTEN:

In reply the Attorneys for applicants object to that testimony being put in this case; we submit that that is highly improper, but if the Attorney for the Cherokee Nation has no objection we will introduce Jerry Fields as a witness in this case on the next hearing of this case in person; we consider that the proper manner of conducting a trial; we have insisted that the Attorney for the Cherokee Nation confine himself to this line of trying these cases, and therefore do not want to break our own line of procedure.

MR. HASTINGS:

In reply will say that the Attorneys on one side and the Attorneys on the other have already had this witness upon the stand upon this particular line of inquiry and was examined and cross-examined and his testimony is here now as a matter of record upon this particular point, namely, the proceedings before the Daniels Court in 1871.

MR. PATTEN:

In reply the Attorneys for applicants would respectfully call attention to the fact that this witness testified in the Andy Webber case as to the admission of Johnson Webber by the Daniels Court in 1871, and at that time we are of the opinion that objections were raised by the Attorney for the Cherokee Nation as to him entering into any more elaborate discussion of other actions of that Court other than in regard to Johnson Webber, and for that reason we would consider his testimony incomplete and would further say that if we are allowed to introduce Jerry Fields as a witness in this case at its next hearing the Attorney for the Cherokee Nation has access to Jerry Fields' testimony as he testified in the Andy Webber case and may use that on cross-examination, of course, if he so desires.

ON BEHALF OF THE COMMISSIONER:

The motion made by the Attorney for the Cherokee Nation and the objections made by Attorneys for applicants, will be noted.

OCE BENGE, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A Oce Benge.
- Q How old are you? A 55.
- Q What is your postoffice? A Adair, Indian Territory.
- Q What was your father's name? A Anderson Benge.
- Q Where did you live during the war? A We lived there at the mouth of Spavinaw until the spring of 1867.
- Q Then where did you move? A We moved from there up about a mile to the foot of two hills, the edge of Lynch Prairie.
- Q Did you know Stephen Henry Lynch? A Yes sir.
- Q About when did you learn to know him? A The first time I remember of seeing him was in the fall or winter of '67.
- Q What was the occasion of your seeing him and knowing him then? A Well father had a claim out on the prairie and he jumped it or tried to jump it, or something, and they had a few words about it, and I was with him when this conversation took place about the claim.
- Q And that was in the fall or winter of 1867? A Yes sir.
- Q Now why do you remember it was that time? A Well father died in the spring of 1868 or winter of '68, January, 1868, it was.
- Q Well did Stephen Henry Lynch afterwards settle elsewhere there in that community? A Yes sir, he settled about a mile and a half or two miles northwest of that place.
- Q Had he settled over there before that? A No sir, I don't think he did.
- Q Did he build over at this other place? A Yes sir.
- Q Did he finally live over there at the other place he settled? A Yes sir, he lived there until he died.
- Q Do you know by what name this other place over there was called? A No sir, I don't, I don't remember.
- Q But he built a house over there did he? A Yes sir.
- Q And that was after you and your father had seen him out there? A Yes sir, out on the prairie there.
- Q Had you ever seen Stephen Henry Lynch there before that? A No sir, that was the first time I seen him.
- Q Do you know where he come from then? A Why my understanding was he just come in from Kansas.
- Q You hadn't seen him before? A No sir, that was the first time I ever saw him.
- Q Did you ever know him attempting to locate near the claim before this over there? A No sir, I don't.

BY MR. PATTEN:

- Q How old did you say you were? A 55.

- Q Where was it you lived until the spring of 1867? A Down there on Spavinaw near the mouth of Spavinaw.
- Q You say it was in the fall of 1867 that he jumped this claim of your father's? A Yes sir, November or December.
- Q Did you know him before the war? A No sir, I don't remember that - do.
- Q You were a small boy before the war, were you not? A I was born in 1851.
- Q You were about 11 years old when the war broke out? A Yes sir.
- Q When did you first get acquainted with him? A Well the first time I ever saw him and - saw him frequently after that, he lived over there on the prairie.
- Q In 1866, or '64 or '65, those years, Stephen Henry Lynch was a stranger to you then, you would not have known him, who he was, if you met him? A No sir.
- Q You would not have known who he was if you had met him until after that little trouble about the place, would you? A No sir.
- Q Did your father succeed in making him get off of that claim? A Yes sir, he got off.
- Q What was your father's name? A Anderson Bengé.
- Q From the time that you first knew him then in the fall of 1867, continuously after that he remained a resident in and about that country in the Cherokee nation so far as you know, didn't he? A Yes sir, he lived over there where he improved a place.
- Q Are you a Cherokee by blood? A Yes sir.

(Witness excused).

JIM HENCE, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of Cherokee nation:

BY MR. HASTINGS:

- Q What is your name? A Jim Bengé.
- Q How old are you? A I was born in 1849.
- Q What is your postoffice? A Lynch, Indian Territory.
- Q What was your father's name? A Anderson Bengé.
- Q Are you a brother of Ose Bengé, who left the stand just now? A Yes sir.
- Q Did you know Stephen Henry Lynch, a colored man? A Yes sir.
- Q He is the step-father of Jesse Vann, the applicant here? A Yes sir.
- Q Do you remember when your father died? A Yes sir.
- Q About when did he die? A He died in 1868, January, 1868.
- Q Do you know whether your father and Stephen Henry Lynch had a difficulty about a claim? A I heard of the circumstance, yes sir.

- Q Were you at home at the time? A Yes sir.
- Q And you knew of the circumstance? A Yes sir.
- Q You know whether your father went over to see him about it or not? A I think he did.
- Q You didn't go in person with him? A No sir, I didn't go.
- Q Did you hear of it at the time? A Heard it a bit afterwards.
- Q Well where did Stephen Henry Lynch then locate after leaving that claim? A He went across the prairie about a mile and a half north.
- Q Had he located up there before that? A No sir, I think not.
- Q But he located up there after that? A Yes sir.
- Q Did he continue to live there until he died? A Yes sir.
- Q Now had you ever seen or heard of Stephen Henry Lynch being there in that country before your father and him had this difficulty about it is claim? A No sir.
- Q That is the first you heard of him? A Yes sir.
- Q Now about when was that? A When they had the difficulty?
- Q Yes? A I guess it must have been in the fall of 1867.
- Q You say you were born in 1849? A Yes sir.
- Q And Anderson Bengie is your father? A Yes sir.

BY MR. PATTEN:

- Q Where did you live in 1866? A I lived there on Grand River on Lynch's Prairie.
- Q Lived with your father, did you? A Yes sir.
- Q Well were you ever acquainted with this Stephen Lynch before the war? A Not that I remember of.
- Q When did you first get personally acquainted with him? A I never got acquainted with him until he moved to this place where he lived when he died.
- Q About what time was it in 1868 or '69? A In 1868.
- Q You didn't see him then at the time you heard they had this trouble? A No sir, I didn't see him.
- Q Where were you? A I guess I was at home or in the neighborhood there.
- Q When did you hear, yourself? A Right away after it happened.
- Q What kind of trouble was it? A Old man Steve taken my father's claim there on the prairie.
- Q All you know about it is what you heard? A Yes sir.
- Q Then it was along in 1868 before you ever got acquainted with him yourself? A I guess it was.
- Q Did you get acquainted with him the first time you saw him? A No sir, not as I remember of.
- Q Do you remember the first time you saw him? A I saw him there on that place the first time I saw him.
- Q Was that when you first got acquainted with him? A The first I remember of seeing him.
- Q And that was in 1868? A Yes sir.
- Q If this little trouble hadn't arisen you probably would not have known of him until 1868? A I don't know, we were neighbors, two or three miles apart; I expect I would have seen him.

Q Do you know when he first came back to the Cherokee Nation after the war? A No sir, I don't.

Q You are a Cherokee by blood? A Yes sir.

BY MR. HASTINGS:

Q You never heard of him being there before the fall of 1867?
A No sir.

(Witness excused).

ON BEHALF OF THE COMMISSIONER:

It is agreed by the Attorneys for the applicants and the Attorney for the Cherokee Nation that this case be continued until Monday, at 1:30 P. M., January 14, 1907, for the purpose of giving the Attorneys for applicants occasion to introduce the testimony of Jackson Davis and Arthur Bean, the Attorney for the Cherokee Nation reserving the right to introduce such testimony as he may desire.

JANUARY 14, 1907.

In pursuance of continuance above noted, this case being called for further hearing on this day, January 14, 1907, at 1:30 P. M., the following proceedings were had:

JACK DAVIS, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

Q What is your name? A Jack Davis.

Q How old are you? A 79.

Q What is your postoffice? A Adair, Indian Territory.

Q Are you a doubtful freedman citizen of the Cherokee Nation?

A That is what they counts me; Hastings counts me that; I have been in here before he was born too.

Q Do you remember the occasion when a great number of the Cherokee Freedmen were summoned or called before what was known as the Daniels Court, the Supreme Court of the Cherokee Nation about 1871? A Yes sir, I was one of the men that went there.

- Q Did that colony or bunch of people who lived in your neighborhood on Grand River go down there, or were summoned down there?
A All of them were summoned.
- Q Name, if you can, a few that went down in that crowd? A Well they are most all dead without myself. There was Mayfield, George Lynch, well on Martin, Jeff Lyons, all those are most dead now; I have outstripped them all.
- Q Do you know whether Stephen Lynch was in that crowd? A Yes sir, he was right with us.
- Q Where was that held? A At Tahlequah, right in the Council yard.
- Q Did Stephen Lynch and Mayfield and you and most of these people whom you have named live in the same neighborhood? A All pretty much in the same neighborhood right up and down the River there.
- Q You all went over together, did you? A Yes sir.
- Q Now, what, if anything, was done in the nature of trying or disposing of those citizenship cases when you were over there?
A There was nothing that I saw was done only old Bob Daniels, I was well acquainted with him, he told us to go home that he had no use for us and said if he needed us he would call us.
- Q Was Bob Daniels, Judge of that Court? A Yes sir, and old Johnson Foreman, I don't know what he was, something, he was right there but he seemed to be superintendent of something.
- Q All that crowd of people go home upon the advice of the Court?
A Yes sir, we went home; I went myself back to Grand River from Tahlequah.
- Q So far as that crowd of people that Stephen Lynch was a party, that was all that was done toward their citizenship cases,
A That was all done that I saw; we went back without knowing any more than we did before we went there.
- Q Did Bob Daniels, did he live in that same community or near where this bunch of people lived there on Grand River? A He lived about ten miles up the big road above us, right on the Military Road.
- Q Bob Daniels was a Cherokee citizen? A Yes sir, he was a Cherokee.
- Q He was pretty generally acquainted with the most of this crowd of people that came from Grand River? A Yes sir.

BY MR. HASTINGS:

- Q How far did he live from the old Lynch place? A About ten miles, I reckon.
- Q You were a slave before the war? A I was a slave.
- Q You have been an applicant for citizenship, to be enrolled as a freedman before this Commission? A Yes sir.
- Q You so far have been rejected? A Yes sir.
- Q Do you know whether or not they were trying any freedmen cases down there? A Where?
- Q At Tahlequah, before the Bob Daniels Court? A I didn't see any tried while I was there.

- Q What time of the year do you think you were there? A Lets see, I can't hardiy tell you what time.
- Q Well was it as late as March? A I don't hardly think it was, February or March one I believe; we never kept no record or nothing of the time at that time but I think it was either spring of the year or in the latter part of the winter sometime.
- Q Well is that your best judgment now that it was last of February or first of March? A Well, lets see, when was the Court, whay year was it that he held the Court?
- Q I am asking you know, irregardless of what year it was, about hat time of the year it was you were down there? A I don't remember just what time of the year but it appears to me it was spring or fall, spring it appears like it was; I know we were not farming at that time we went down there; it was either the first of the spring or latter part of the winter.
- Q That was the time you were down there, either the first part of the er or last part of the year? A I disremember about the time; I could have found it before I left home, what time of the year we were down there, but I didn't do it.
- Q You have got no recollection about that at all? A No sir, I don't remember.
- Q Except you know you were not farming? A I don't think we were farming when he called us.
- Q Did Bob Daniels know you before the war? A I knowed his wife, I don't know whether he knowed me or not.
- Q How far did you settle from Bob Daniels after you came back after the war? A About ten miles; he was north of me.
- Q Lived on the Military Road? A Yes sir
- Q Well there was a good many freedmen being admitted when you were down there, weren't they? A I can't recollect anybody; when the papers come out we didn't get any hearing at all, and I don't recollect of a man but Simon.
- Q Simon Lynch? A Yes sir, said he was admitted and outside of him I don't know of another.
- Q Wasn't Aderson, or Crap, Lynch, wasn't he admitted? A I don't recollect of him being that way, but I think he was.
- Q Well wasn't Art Williams? A I think he was; we didn't know what was done until it came out in the papers afterwards.
- Q Well in Simon's case, he in'r duced some testimony to show when he come back? A I reckon he did; I never saw it.
- Q And in Anderson Lynch's case, he introduced some testimony too? A I never heard a case.
- Q You never heard any of the cases? A None at all.
- Q You were not in the Court room when they were trying them? A No sir.
- Q But these colored people did go up in the Court room? A I suppose they did, I didn't go.
- Q You don't know, of course, now 35 years afterwards whether or not Stephen Penry Lynch went up, you don't recollect that? A No sir, I don't; but I know this much he come off with the crowd when we all come.
- Q Well Simon come with the crowd too? A Yes sir, he come off with the crowd too.

- Q Did Art Williams come back with the crowd? A Yes sir, I think he did.
- Q Then everybody went back, admitted or not admitted? A Told us to go home without being admitted; never give us any chance for a trial; said go home, wehn I want you I will call you, that is what he said to me, I understand English some of it, and that is what he said to me.
- Q That is what he said to you? A Said to the crowd.
- Q Was Simon Lynch in the crowd? A He was there.
- Q Are Williams in the crowd? A Yes sir, Art was there.
- Q Was Anderson Lynch there? A I don't remember about him; there was about 300 of us there all together.
- Q Well were the Webbers there? A Old man Webber was there, old Sam's dady.
- Q Was he there? A Yes sir.
- Q Did he go off when you went back? A No sir, left him there; Webber lived on Big Creek and we lived on Grand River.
- Q You don't know how many of them were admitted when you left? A No sir, I didn't.
- Q But a good many of those that did go back with you did go up in the Court room and give testimony? A I don't know who they were; when the papers come out there was nobody admitted that we heard of but Simon, he was one of them they claimed that was right, and the balance was on the too late list.
- Q That wasn't the question, part went up and give testimony and part didn't? A Might have, I don't know about that.
- Q You don't know whether Stephen Henry Lynch went up and give testimony or not? A No sir, I know he didn't, because he come back with us.
- Q Didn't Simon go back with you? A Yes sir, he did.
- Q Are you satisfied he didn't because he come back with you? A I don't know, I wasn't there in the Court room; they didn't hear nary trial.
- Q Is that the only reason you have of being satisfied Stephen Henry Lynch didn't because he come back with you? A Well he come,--- I stayed out there about three miles to my mother-in-law's, I wasn't there all the time.
- Q What was your mother-in-law's name? A Betsy Whitmire.
- Q So you stayed out there part of the time? A Yes sir, there is where I ate and slept.
- Q You were not in town all the time? A No sir.
- Q So they might have been before the Court while you were not there? A They might have, I didn't know it if they did.
- Q Is that Betsy Whitmire living now? A No sir, she is dead.
- Q Which direction from town did she live? A East.
- Q Any kin to Lewis Whitmire's wife? A I don't know, I don't think she is.
- Q Stephen Henry Lynch didn't stay out there with you? A No sir.
- Q He stayed in town? A Yes sir, you see that was my wife's mother, and my people was out there and that is the reason we went out there.
- Q How long did you stay down there at that time? A A week.

- Q Now aint you got no recollection at all about what time of the year it was? A I don't know, I think it was in the fall though.
- Q You think it was fall? A I think it was fall or winter or something.
- Q I am satisfied it is something, but that is what I am trying to get from you, your best judgment as to when it was? A I don't recollect just exactly what time it was now; along in the fall or winter or som thing.
- Q Do you know what year it was? A I think it was '71, I think.
- Q Now couldn't it have been in 1870 or in '72? A '70 or '71 or '72,-- '71 I believe it was, I don't ~~kan~~ know jus exactly which.
- Q You are not right positive what year it was? A No sir, I wasn't because I don't keep no records or nothing of the kind; but I think that Daniels Court was in '71.
- Q Where were they holding Court, in the Capitol? A Yes sir.
- Q Up stairs? A Yes sir.
- Q And you never went up stairs at all? A No sir, I never went up.
- Q And you never went in the Court room? A No sir, we had no use to go in there because they didn't call us any.
- Q You mean to say they didn't call you in? A No sir, they didn't call me.
- Q That is all you are going to testify about they didn't call you in? A Yes sir.
- Q You aint going to sit here and say 35 years afterwards that of all those people down there you can recollect whether they called this one in or not or another one, you are just going to testify they didn't call you in? A No sir, they never called any of our crowd in without it was Simon Lynch or Art Williams; I know the whole River was on the doubtful list; I am on it.
- Q You have been on it ever since haven't you? A Yes sir, I have always been on it.

(Witness excused).

ARTHUR BEAN, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q State your name? A Arthur Bean.
- Q How old are you? A About 64.
- Q What is your postoffice? A Chaffee, Indian Territory.
- Q Are you a recognized freedman citizen of the Cherokee Nation? A Yes sir.
- Q Did you know a colored man by the name of Stephen Henry Lynch before the war? A Yes sir.

- Q Did you know any of his family, Arthur? A Yes sir, I knowed his wife.
- Q What was her name? A Peggie.
- Q Did you know any of his boys? A Jesse and Bill, I knowed the whole family.
- Q Did you go out of the nation during the war? A Yes sir.
- Q Where did you go? A To Kansas.
- Q When did you return after the war? A In '66.
- Q What time in 1866? A Along in the fall.
- Q When was the first time that you remember that you saw Stephen Lynch in the Cherokee nation after the war? A The first time I see him?
- Q Yes? A Down in the nation here?
- Q Yes, when was the first time you remember of seeing him in the nation after the war? A In the fall of '66.
- Q Where did you see him? A He was over there at Simon's.
- Q Well how long was that after you had come back yourself? A I guess that was about a month probably.
- Q Well did he have his family with him when you saw him that time? A No sir, not the first time.
- Q How did he come down? A Horse back + suppose.
- Q You don't know that? A No sir.
- Q Do you know whether he afterwards moved his family down here or not? A Yes sir, he moved his family.
- Q When if you remember did he move his family? A I guess somewhere along about Christmas.
- Q Was it in the winter time? A Yes sir.
- Q Was that the same year? A Yes sir.
- Q What year was that? A That was in '66.
- Q Now take the following summer after a great many of those freedmen came down here, along in the summer of '67, what was the condition of times? A Time were pretty reckless here that time.
- Q Was it difficult to make a living to get something to eat? A Yes sir.
- Q Do you know whether or not any of those freedmen ever went back to the states during that summer from where they came? A No sir, not very many.
- Q Did some of them go back? A Yes sir.
- Q After Stephen Lynch moved his family down here, as you stated, do you know whether or not he went back, or do you know? A Steve?
- Q Yes? A I think he did go back during that spring sometime, or latter part of the winter.
- Q Where did you live at that time? A In '66?
- Q Yes? A I lived there with Art Williams.
- Q Well do you know whether or not Steve laid him a claim or got him a place or bought him a place? A Yes sir, he got a place down there.
- Q Well, where was that? A Right below, I forget the name of the old place, but down below the Island Ford, in there.
- Q Was that in the neighborhood of where Simon Lynch lived? A Yes sir, I guess about two or three miles from Simon.

- Q Do you know whether he got that on the first trip he was down here? A Yes sir
- Q Do you know whether or not he continued to hold that place until the time of his death? A Yes sir, it was his until he died.
- Q Where did he die? A On the same place, right there.
- Q How long has he been dead, do you know? A No sir, it has been 25 years or longer - guess
- Q A long time? A Yes sir, I guess so; it has been a long time, I can't remember just how long.
- Q Do you remember the occasion when a great number of freedmen were summoned or did go before the Danies Court, what was then the Supreme Court of the Cherokee Nation about 1870 or '71? A Yes sir
- Q Did you go? A Yes sir
- Q Do you know whether or not that colony or bunch of people from that neighborhood on Grand River went? A Yes sir, I know a whole lot of us went; I guess 75 or more went down there.
- Q From that country? A Yes sir
- Q Did you go together in a bunch? A Yes sir
- Q Can you name some of the people that were in that crowd? A The whole neighborhood was in the crowd up there.
- Q Was Mayfield? A Yes sir, the whole neighborhood. I couldn't call them all over, but the neighborhood went down there.
- Q Can you name some of them? A Mayfield and Uncle Steve.
- Q Steve who? A Steve Lynch, Art Williams, Art Lynch, George Johnson, and Tobe, Jack, George, oh there was quite a road full of us went down there.
- Q What if anything was done there toward the disposition of those citizenship matters so far as that crowd of people that came from Grand river was concerned? A We went down there and the Judge told us we didn't have any use for you people, for you people to go back home, and make more corn up there, then we went home and stayed there quite awhile.
- Q You mean when he told us, who did you mean? A That bunch of people down there.
- Q That bunch that came from your neighborhood? A Yes sir, told us to go back home and make your farms larger and make more corn he said he knew all of us and that we were all right.
- Q Was Simon Lynch along? A Yes sir
- Q Was Art Williams? A Yes sir
- Q Did you go back home after he told you that? A Yes sir
- Q Did you go back together? A Yes sir.

BY MR. HASTINGS:

- Q Were you a slave before the war? A Yes sir
- Q Can you read and write? A No sir.
- Q Never could read nor write? A No sir
- Q How old are you now? A I am about 64 years old.
- Q What was your father's name? A Sandy.
- Q Did you know the place that Stephen Henry Lynch died? A Yes sir.

- Q How far was that from his old master, oe Lynch,s place? A About two miles.
- Q Did Steve build him a house out there at that place? A Yes sir.
- Q Well now where did he come back to when he first come back to the Cherokee Nation? When he brought his family? A To that same place and died there.
- Q And that is the place he went to, is it? A Yes sir.
- Q The place where he died? A Yes sir.
- Q He went direct to this place? A Yes sir, he worked around up there in different places.
- Q But he took his family right to this place? A Yes sir.
- Q And the e is where he settled? A Yes sir.
- Q Are you married? A Yes sir.
- Q What year were you married in? A I don,t know what year it was.
- Q What year is this one? A 1907. I think if I mistake not along about '67 I guess when I married as well as I can think about it.
- Q Who did you marry? A Married Lou Vann, the girl was named.
- Q Where did you marry? A Down on Spring Creek
- Q How many children you got? A Just got two living.
- Q When was the first one born? A I cou ldn't tell you.
- Q Got any dead? A All my children deadbut two.
- Q When did the first one die? A I don't know just when it was; it has been over 30 years.
- Q Don't remember the year? A No sir; I never did put it down.
- Q No record? A No sir; you know we fellows couldn't do nothing, write or anything of that kind; I neve think to have it written down.
- Q You never think about those dates th t far back? A I couldn,t do it, I don't k ow nothing about the dates and souldn,t set it down; it just slipped my remembrance.
- Q You don't know then about the birth or deaths of none of them? A I know when two died, in '82, the time of the small pox.
- Q That is all you do know, that they did die in the time of the small pox? A I have got the year pretty well when them to died, but I don't know the date they died on.
- Q Who was living on the old Lynch place in the year 1866? A Old man ~~Scrap~~ Scrapper.
- Q Old man George Scrapper? A Yes sir.
- Q That was George Clark,s father-in-law, wasn,t he? A Yes sir.
- Q Then Stephen Lynch never did go back to that place after the war? A No sir, not as I know of.
- Q I he did you never saw him there? A No sir, only working there.
- Q How far were you living from the old Lynch place A About a mile.
- Q What direction? A Southwest I guess.
- Q Who were you living with? A I lived with Art Lynch part of the time.
- Q When did you go back to wansas? A No?
- Q Yes? A I didn't go back at all, no sir, not until '68 or '69, way up in there I went up in that country.
- Q You went back then? A Yes sir, didn't stay no time, ju t went up there and back.

- Q Then did you first see Steve's wife? A That was the first time I seen her was down here.
- Q When was that? A That was along in '66, I guess it was; just about that time.
- Q Well you don't know whether it was the spring or summer? A It was along in the winter I think, just before Christmas.
- Q How long before Christmas, can't you say any more definite than that? A I guess probably a month before Christmas.
- Q Where was she then? A She was over there with the old man.
- Q At their place where he settled? Yes sir.
- Q Did they have a house there? A A little small house.
- Q They had built one there, had they? A Yes sir.
- Q You swear that? A Yes sir.
- Q Now how far was that from you? A That house?
- Q Yes, from where you lived? A At that time I guess it was about, now let me see, about two miles I guess from where I was living at that time.
- Q Well how long did you continue to live there, two or three years? Yes sir.
- Q Well they continued to live on this place from that time until his death? A Yes sir.
- Q And you saw them every few days? A Yes sir.
- Q You were over there every few days from then until just before Christmas, 1866? A Yes sir.
- Q I mean up until the time of his death? A No sir, I didn't see him up until his death.
- Q Well how long did you continue to see him? A I think he lived there that winter, if I mistake not; it seems he went back to Kansas on some business or other and our women is kinder reckless; they wouldn't agree to stay unless the old man stayed and he had to go back.
- Q How long did they stay? I guess they stayed during that summer and come back that fall sometime.
- Q I mean before they went back to Kansas? A They stayed there probably a month. Stayed there and got their claim and a new shanty put up.
- Q Just out on the public domain was it? A Yes sir, right close there, he got the place from Simon.
- Q Wasn't any house there? A No sir, we didn't put any house; we would just get four logs and make us a little cabin there and sell them claims.
- Q Now when did you next see Steve? A The next fall I seen Steve I guess probably; he went up and came back and he stayed down here until he died.
- Q You ever testify in this case before? A Never have, no sir.
- Q Well you made an affidavit to reopen the case of Vennie Martin, F D 197? A I might have.
- Q Did you in the Abbie Blythe case, D 257? A I don't know whether I did or not, I might have.
- Q Well do you know? A Yes sir, I believe I did make an affidavit to that effect up there at Vinita.
- Q Who for? A I believe it was Campbell if I mistake not.

- Q Did you make one in the Katie Thornton case, D 578? A I don't recollect making any for Katie.
- Q Well did you? A I might have, I don't recollect it.
- Q Well do you make these affidavits without remembering them or without knowing it? A I do but they slip my remembrance like other things.
- Q Did you make one in the Jim Landrum case, D 664? A Yes sir.
- Q Did you make one in the John Towers case, D 734? A I don't recollect.
- Q Do you remember him by the name of John Armstrong? A Yes sir.
- Q Did you make one in that case? A Yes sir.
- Q Did you make one in the Cynthia Ross case, D 792? A No sir, I don't remember that.
- Q Do you remember making one in the Jackson Fields case, F D 771? A No sir, I don't remember that.
- Q Well do you? A No sir, I didn't make none for Fields.
- Q Jackson Fields' father is named Andy and mother Chaney, you didn't make any affidavit in that case? A If I did I don't recollect making any.
- Q Did you make one in the Mose Riley case? A Yes sir.
- Q Did you make one in the Emma Purtle case? A No sir, I don't recollect making one in that case; they were all together.

MR. PATTEN:

The Attorney for applicants desire that it be stated to the witness who Emma Purtle is, perhaps he doesn't remember the connection.

- Q She is a sister of Mose Riley? A I don't recollect making any for Emma, I made one for Mose.
- Q What time of the year did you go to Tahlequah? A Along in the fall.
- Q November or December? A I guess it must have been along about it might have been in September; it was after we got through cropping, after we laid our crops; I don't know just what month it was but I think it was in the fall when we went down there; I know it was in the fall because we went out on the branch and camped out there; there was 100 or more down there.
- Q Do you know what year it was you were down there? A No sir, I don't, it was along in, --- I don't know just what year that was, but anyhow, --- it has slipped my remembrance, I don't know what year it was.
- Q Did you know an old man by the name of William Lynch? A Yes sir.
- Q What kin was he to Steve? A Wasn't any; both just belonged to one man.
- Q Is he dead? A Yes sir.
- Q Was he down there with you at the time? A Yes sir, he was there all the time.
- Q Did he go up before this Court? A Yes sir, we all went down there.

- Q Was he ordered back at the same time? A Yes sir, we all came back the same way.
- Q Was William Lynch, was he admitted? I don't think there was any of them as I know.
- Q Well was anybody admitted? A Not as I know of we all come back and didn't say whether we were admitted or not until after a certain length of time, then we knowed better.
- Q Did you know a fellow named Charles wave? A Yes sir.
- Q Where did he live? A Down on the River.
- Q How far from you? A About 5 or 6 miles I guess from me.
- Q Did he come down in that crowd? A Yes sir.
- Q And was he ordered back home? A Yes sir; the Judge said you all go back home, we haven't got any use for you people, he said we were all right anyhow.
- Q Did you know Delilah Vann? A No sir.
- Q Never knew her? A No sir.
- Q Did you know Butler McWair? A Yes sir, I knowed him before the war.
- Q Was he down there with you? A Yes sir, we were all in attendance, he lived below us though.
- Q And he was sent back home? A Yes sir, they all come back; I never heard of them trying any there at that time.
- Q Where were they holding that Court? A In the Capitol there at Wahlequah.
- Q Was it down stairs or up stairs or where? A I don't know, it was in the house; it must have been up stairs.
- Q You didn't go up there? A Yes sir, I was in the house, it was kinder of a curiosity for us.
- Q You were not in the room while they were trying these cases? A No sir, didn't try any where we were.
- Q Did you go in where they were trying cases? A No sir, I didn't go in the Court room.
- Q You were in the hall but didn't go in the Court room? A No sir, Judge Daniels, he come out and just told us to go home; we thought it was all right and just went home.
- Q And that was then in the fall of the year, was it? A Yes sir, I think it was in the fall, I know it was.
- Q But you don't remember what year it was? A No sir, but it was warm and we camped out on the Creek.
- Q Well you don't know whether Stephen Henry Lynch went in the room where they were? A I don't think he did, though he might have; wasn't a colored man called while we were there.
- Q And wasn't a one admitted at that time? A Not as I heard of.
- Q Never heard of one? A No sir; I have got a pretty good recollection, after the Court adjourned we were notified through the papers we were all doubtful citizens, and that is all we did know; never did know anything else; we just stayed here all the time and tried to get our rights and Council would fail every time; we would try but didn't get any rights.
- Q Well referring ~~back~~ back now to the Jackson Fields case, I will ask you if you ever testified in his case? A Never did, no sir.

- Q Well did you ever know him? A Yes sir, I knowed him.
- Q When did you first learn to know him? A I knowed Jack when he was quite a lad of a boy.
- Q About how long after the war? A I never seen Jack any more after the war for a long time.
- Q Well was it 10 or 12 years? A I guess it was; I don't know how long it was I did see Jack; I never made no affidavit or testified in Jack's case at all.
- Q You don't know when he returned to the Cherokee nation? A No sir, I don't.
- Q Now do you know Will Hudson over here at Fort Gibson? A No sir, I might know him if I meet him.
- Q You don't know whether he was up there before th t same Court at that time or not? A No sir, I didn't know any of those people at that time.
- Q Did you know Frank Vann who afterwards taught school up in there? A I got acquainted with him afterwards; he used to go around preaching among us; he was kinder of a school teacher and preacher.
- Q What is your postoffice anyhow? A It is either Chaffee or Vinita, eitherone; it used to be Vinita before Chaffee was established close to us.
- Q Were you living in Saline District about the time you were before the Daniels Court? A Yes sir.
- Q Was Simon Lynch down there at the time you went down there? A Yes sir, we all went together except the women folks and the few young boys.
- Q Was Sandy Bean, your father? A Yes sir/
- Q Was he down there? A Yes sir
- Q Well you knew Bob Daniels well? A Yes sir, I knowed him befor the war.
- Q You lived right there in the neighborhood? A Yes sir.
- Q He lived in that neighborhood near? A Yes sir, his folks and my folks were relation.
- Q He was regarded as a good man? A Yes sir, he was a good man; and when he told us to go home we taken his word for it and he was such a good fellow we put lots of confidence in him.
- Q He was always regarded as a good man? A Yes sir, and we put lots of confidence in the Judge at that time.
- Q Did you know Washington wave? A I knowed one Wa hington Nave, a young fellow.
- Q Well old man Washington wave did he go with you when you were all down there? A I don't recollect him.
- Q Did you know Adam Lynch? A Yes sir
- Q Was he down there? A Yes sir.

BY MR. PATTEN:

- Q You say that bunch was notified sometime after you were told to go home that you were rejected, or given notice about your case? A Didn't state we were rejected, just said we were doubtful citizens.

Q How were you notified, personally or through the papers? A People generally do it, we would elect men and send them to the Council and the just told us we were all doubtful citizens; that is all we got on that matter and we just taken that up until now and lots of us are now doubtful citizens.

MR. PATTEN:

That is all our testimony unless it becomes necessary to introduce some rebuttal testimony.

MR. HASTINGS:

In order to impeach the witness who just left the stand and to show the recklessness which he swears, I desire to introduce the affidavit made by said witness filed with the motion of Jackson Fields' to reopen his case, which is P D 771, and ask that the Commissioner to the Five Civilized Tribes refer and get the original from his own files.

MR. PATTEN:

The Attorneys for applicants have no objection to the request of the Attorney for the Cherokee nation but ask leave that the witness be recalled and apprised more fully of the affidavit in order that he be given a more fully opportunity than he has had to recognize the affidavit; we know nothing whatever about this affidavit and think that this would be fair.

MR. HASTINGS:

He said that he didn't know anything about when Jackson Fields returned, but I have no objection to have him recalled.

ON BEHALF OF THE COMMISSIONER:

The witness will be recalled.

ARTHUR BEAN RECALLED}-

BY MR. HASTINGS:

Q You are the same Arthur Bean that was on the stand awhile ago?
A Yes sir, the same boy.
Q You were asked at that time about whether or not you made an affidavit to support a motion to reopen the case of Jackson Fields? A Yes sir, I was asked that question.

- Q And you said you didn't make any affidavit? A No sir, if I did I don't recollect it; I don't remember making any testimony for Jack Fields at all.
- Q You don't remember anything about when he come back after the war? No sir.
- Q You never saw him for a number of years after the war? A No sir, I didn't.
- Q Well was it 10 or 20 or 25? A I don't know how long it was.
- Q Well was it 10 or 15 years? A Yes sir, that is my best judgment.
- Q You already knew him? A Yes sir, I knowed him before the war; he was a little boy and then I never got to see him for a long time; I was here until time of the war and I didn't see him.
- Q You didn't see him ~~before~~ then for a number of years after the war? A No sir.
- Q Do you remember when you saw him then first after the war? A I believe down there at Joe Lynch's the first time.
- Q About how many years was that after the war? A I don't know just how many years that was.
- Q 10 or 15? A I guess it was probably, maybe not so long; it was quite awhile.
- Q Is that your best judgment? A Yes sir.
- Q Did you know his father and mother? A I knowed his father.
- Q What was his name? A Andy.
- Q You never knew his mother? A I don't think I did; I might have knowed her seem like she belonged to Oliver Ross; I wasn't acquainted with his mother like I was his father.
- Q You never saw them after the war, his father and mother? A No sir, I aint seen them not since way before the war; the time I recollect seeing them.
- Q Was before the war? A Yes sir, I don't recollect seeing them since; I didn't stay up where they was, I was off down here.
- Q And you never saw Jackson Fields in your best judgment for some 10 or 15 years after the war? A No sir.
- Q Now don't you know that you are the same Arthur Bean who, on September 14, 1905, appeared here in Muskogee before the Commissioner to the Five Civilized Tribes and testified in this case for Jackson Fields? A No sir, surely wasn't me.
- Q Is there another Arthur Bean up on Grand River? A No sir, there is not but one that I know of; if I made any statement for Jack I don't recollect it.
- Q I mean before the representative of the Commissioner like you are now? A Before the Commissioners here?
- Q Yes, here in Muskogee? A No sir, I never was on a case of Jack Fields.
- Q You said there was no other Arthur Bean? A No sir.
- Q You are about 64 now? A Yes sir.
- Q And you live upon Grand River? A Yes sir.

MR. HASTINGS:

Now I ask that the testimony of this witness, Arthur Bean, taken before the Commissioner on September 14, 1905,

in the supplemental proceedings had in the matter of the application for the enrollment of Jackson Fields, et al., as Cherokee Freedmen, original No. F D 771, now F R 452, be introduced and made a part of the record or so much thereof as will show the entire testimony of Arthur Bean.

MR. PATTEN:

We have no objection to the request of the Attorney for the Cherokee nation.

ON BEHALF OF THE COMMISSIONER:

There being no objection, the testimony of Arthur Bean in the Jackson Fields' case will be filed with and made a part of the record in this case.

BY MR. PATTEN:

Q Now this testimony Mr. Hastings referred to in the Jackson Fields case, about which you have answered his question is something like this ---?

MR. HASTINGS:

I want to object to it for the reason that it would be leading if it were recited to him; I have no objection to the fact that he be apprised that he testified, and let the record so show.

ON BEHALF OF THE COMMISSIONER:

The objection will be noted.

Q I take it Mr. Rogers from Vinita was the Attorney in the case?
A I have never been before any Rogers as I know of.

Q Do you know Charles B. Rogers, an Attorney from Vinita? A No sir, I don't know him; I seen him several times but I don't remember making any affidavit for him.

Q Do you ever remember of testifying in the case when he was the Attorney for the freedman? A I don't know as he was ever an Attorney, I never was before Mr. Rogers under no consideration as I ever knows of; every one I made an affidavit for I can pretty near thing about them when they are called over, but that is one I don't know about.

Q The affidavit that is purported to have been made by Arthur Bean, signed by me, which was witnessed by J. W. Ratoliff and O. A. Smith, of Vinita, was sworn to before J. W. Ratoliff as Notary Public; I think that J. W. Ratoliff is a son of the Ratoliff that runs the store there? A Jim Ratoliff is the only Ratoliff I knew, the old man.

- Q Did you make an affidavit before them? A I don't remember of it; I never did make an affidavit in the Fields case as I know of.
- Q How old did you say you are? A 64.
- Q This affidavit about which Mr. Hastings has questioned you is as follows, that is a copy of it, which is purported to be a full copy: (Here the affidavit which has been introduced in evidence was read to the witness). Do you ever remember of making such an affidavit as that? A No sir, I don't recollect of making it; I don't remember of going before any Notary by the name of Ratcliff.
- Q Do you know any Ratcliffs? A I know Jim.
- Q After you have heard this affidavit read you wholly fail to recognize it? A I don't recollect it at all; if I made it I don't know anything about it; I don't recollect of ever making any statements for Fields at all as I know of in no case; I don't recollect of making that affidavit for Jack Fields.
- Q What do you know about those Fields, about what you have told Mr. Hastings? A Yes sir.
- Q Do you remember of seeing them in January or February or March, 1867, irregardless of the affidavit? A Don't remember of seeing the old man Fields boys, Jack and them.
- Q You stated in the affidavit that it was these boys you saw? A If I made that affidavit, I don't know anything about it, that is all there is about it.
- Q Do you remember of seeing the boy Jack? A Not until after the war.
- Q Do you remember of seeing the boy before you saw the old folks, his father? A I aint seen his father since the war; I have seen Jack.
- Q You have seen the boy? A Yes sir, I seen the boy but not the old man at all.
- Q Jack is the boy, is he? A Yes sir.
- Q Well he is the one that reference is made to in the affidavit; there is nothing said in the affidavit when you saw the old man, it is purported to be stated about the boy? A I seen him later on after I came down here.
- Q How long after you came down here? A Quite awhile after I came down before I seen Jack; if I made any affidavit for Jack I don't recollect it at all; I know pretty much every one I made affidavit for; if I made it it has just slipped my remembrance.
- Q You have also evidently testified in this case; the records of the Commissioner to the Five Civilized Tribes show that you were the witness in this case for Jackson Fields, the boy? A I don't recollect of ever coming before the Commissioner for Jack Fields in my life; if I did, I don't know anything about it.
- Q You were asked this question; Q "When was it you saw him? (referring to the first time you saw Jackson Fields after war) and the answer was "Along in '67 sometime." And the next question was, "Q What time of the year? A Along in the winter time. Q Can you name the month? A It was January or February, shortly after Christmas. Q Where was he living at that time? A I don't really know where he was. Q Was it in the neighborhood of where you live? A He was passing through. Q Did he have any fixed abode? A He said he was stopping with Joe Lynch.

- Q Who was Jackson's mother? A Chaney Ross. Q ~~Was~~ Did she return from Kansas? A I couldn't tell you. Q Have you known Jackson Fields since that time? A Yes sir, ever since then. Q Have you seen him frequently in the Cherokee Nation since January or February, 1867? A Yes sir, I have seen him frequently. Q Has he made that his home? A Yes sir, ever since I knew him, he was a boy that passed in and out. Q Do you know whether his other was dead at that time? A No sir, I don't. Q About how old was Jackson when you first saw him in the winter of 1867? A He was just a boy, pretty good size boy. Q You say positively that he was in the Cherokee Nation in the month of January or February, 1867? A Yes sir, he was here; I would not be positive until he married here. Q He married in the Cherokee Nation? A Yes sir. Q On Grand River? A Yes sir. Now that was the nature and practically the substance of that testimony as a witness in this case before Mr. Rogers as the Attorney for the applicants? A No sir, I don't recollect of ever making any testimony before the Commissioner for Fields. Q This was a year ago last September? A I might have come before the Commissioner, but I don't recollect about it. They kept a record of it I guess but I don't recollect of ever coming down here on the Fields case. Q You have heard me read the substance, practically a fair substance of what your testimony was? A Yes sir, I heard it. Q Now if you were on the stand would it be about that way? A Like it reads there? Q Yes? A I don't know, I couldn't tell you unless I could get it placed in my mind when it was; I can't recollect of ever making that statements; if I made it it has just slipped my remembrance; I don't know anything about it.

ON BEHALF OF THE COMMISSIONER:

- Q Irregardless of this testimony and the affidavit do you know anything about when Jackson Fields returned to the Cherokee Nation after the war? A No sir, it was quite awhile after I come down here before I seen Jack; I don't know how long it was, he might have been in different parts of the Nation. Q That was before you saw him? A Yes sir.

BY MR. PATTEN:

- Q You said something not knowing much of him until he married, how long after the war before he was married? A I couldn't tell you, I don't know how long. Q Was it a number of years? A Yes sir, quite a number of years. Q That was about the first time you remember of him here, about the first time he was married? A Yes sir, a year or two before he married.

- Q How big a boy was he when the war broke out? A Just about so high I would guess him, a little higher; I never seen him any more in the time of the war, I didn't stay in Kansas during the war.
- Q Then from the size he was when the war broke out it would be a number of years after the war before he was old enough to marry? A Yes sir; I was quite a young boy myself then.
- Q You were older than he was? A Yes sir, I guess I was; I couldn't just keep up with our peoples ages at that time.

(Witness excused).

LEMUEL S. SANDERS, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of Cherokee nation:

BY MR. HASTINGS:

- Q What is your name? A Lemuel S. Sanders.
- Q Your age? A I will be 78 the 10th of next May.
- Q What is your postoffice? A Stilwell, Indian Territory.
- Q You are a citizen of the Cherokee nation? A Yes sir.
- Q By intermarriage? A Yes sir.
- Q When did you come to the Cherokee Nation? A My recollection is that I come in 1868 or 1869.
- Q Your wife a Cherokee? A Yes sir.
- Q Was she admitted by the Cherokee Authorities? A Yes sir.
- Q By Council or Court? A By Court.
- Q Who presided over that Court? A Judge Robert Daniels.
- Q Was she admitted by the Daniels Court? A Yes sir.
- Q Did you have any occasion to attend upon the session of that Court? A I was Attorney for several persons there.
- Q Have you been practicing law in the Cherokee country since? A I practiced ever since then.
- Q Do you know whether there was any colored people that were in attendance before that Court? A Yes sir, there was some in attendance.
- Q Do you know whether their cases were being heard? A There cases were heard, my recollection is, like all the others.
- Q Testimony taken in them? A Yes sir.
- Q You say you had occasion to be before the Court a number of times? A I had occasion to be there several times and remained there for a week or two.
- Q You say colored people was there during these visits? A Yes sir, I saw them in the Court room.
- Q Well did you ever know or hear of any of them being sent away without having their cases heard there? A Never heard of anything of that sort, until within the last three or four weeks, I have heard it was a rumor.

BY MR. PATTEN:

- Q You are a white man yourself, aren't you? A Yes sir.
- Q You say your wife was a Cherokee? A Yes sir.
- Q She was a Cherokee by blood? A Yes sir.
- Q She was admitted by that Court? A Yes sir, her name was Vian Raper.
- Q Where were you living at that time? A I was living in Flint District close to where I now live; four miles west of where Stilwell now is.
- Q Is that somewhere near Tahlequah? A About 20 miles south of Tahlequah.
- Q How far is that from Grand River? A I don't think I could give you the exact distance.
- Q Well at what time was your wife admitted by that Daniels Court, what year? A My recollection is that it was in 1871.
- Q You had only been in the Cherokee nation at that time two or three or four years? A About that long.
- Q Where did you come from? A I came from Cherokee County, North Carolina.
- Q You were a stranger in this country when you came? A I was acquainted with several persons that came just before and just after I did; not personally acquainted with many.
- Q You were not acquainted with the country and the majority of the people in it? A No sir, I wasn't acquainted with a majority of the people in this country of course.
- Q At the time that Daniels Court was in session were you acquainted with that bunch of freedmen over there on Grand River? A No sir.
- Q How long were you in attendance at that Court, continuously? A I was in attendance sometimes a week or two weeks on different occasions, I believe I stayed there two weeks once; my cases were called from time to time.
- Q Well you were there you saw some freedmen cases tried? A I was in the Court room when freedmen cases were called and were tried during the time I stayed there.
- Q Were they trying Cherokee cases too? A Yes sir.
- Q They were trying Cherokees as well as freedmen? A Of course they were.
- Q Well did they try those freedmen cases, I mean the most of them in as fair and impartial a way as they did the Cherokee cases? A That would be a pretty hard question for me to answer; my recollection is they tried us all alike.
- Q They showed no difference between a freedman and Cherokee so far as they were concerned? A No sir.
- Q Do you know Mr. Starr here? A I have seen him.
- Q Did you ever have any communications with him about this case? A Yes sir.
- Q Mr. Starr wrote you a letter about this case and you answered it? A Yes sir, I think so.
- Q Isn't it a fact that you answered him and told him that the freedmen were not given as fair a chance as the Cherokees? A Mr. Starr wrote me a second time and I gave it further consideration about the matter; and further Mr. Starr or somebody else wrote

- me there was money up here for me when I come as a witness and I studied the matter over and decided it would be freedman money so I didn't come.
- Q Do you remember when that bunch of freedmen were there from Grand River? A I couldn't tell you; it seems to me like the time the Martins were there was the time I was there.
- Q Do you know where they came from? A I think they were from Grand River.
- Q You would not undertake to swear that one bunch of people from that section of country up in there didn't get a trial? A I don't know whether they did or didn't.
- Q You don't know? A No sir.
- Q Who was Judge of that Court? A Judge Daniels my recollection is that there was about three judges, I think one was a Sixkiller, Judge Daniels was the Chief Justice and I think George Scraper was another Judge.
- Q Was Sixkiller a full blood? A I couldn't tell you that, he was a Cherokee.
- Q They were all Cherokees? A Yes sir, and Scraper was probably a full blood, I don't think he was.
- Q Three quarters or full blood? A I couldn't tell you.
- Q How about Scraper? A He was pretty near a full blood, he talked good English.
- Q Then two of the three Judges there were full bloods or nearly full bloods? A I couldn't say, two were full bloods, my recollection is that they were nearer full bloods than white.
- Q Judge Daniels was the Chief Justice? A That is my recollection.
- Q And he had a large percentage of Indian blood? A He was pretty fair.
- Q Wasn't he some where near half? A I couldn't tell you; I don't know the blood of those people.

(Witness excused).

MR. HASTINGS:

I desire now to offer for the purpose of contradicting the statements made by Tobe Bean, I desire to have the affidavit made by Tobe Bean to support the motion to reopen the case of Payton Martin, F D 304, introduced and made a part of the record in this case.

MR. PATTEN:

We have no objections.

ON BEHALF OF THE COMMISSIONER:

There being no objection a copy of the affidavit will be filed in this case.

MR. HASTINGS:

For the purpose of impeaching and contradicting the ~~applicant's~~ statements made by Sam Webber to the effect that only five persons were ever admitted by the Daniels Court, whose names he gave, and also for the purpose of contradicting and impeaching the statements made by Jackson Davis to the effect that no persons were admitted so far as he remembered, and also for the purpose of contradicting Arthur Bean with reference to his statements made with reference to the Daniels Court, I desire to have the records examined and a notation made of the admission of the following freedmen by the said Daniels Court as citizens of the Cherokee nation:

Sam Webber, admitted June 6, 1871.
Johnson Webber, admitted June 6, 1871.
Charlie Campbell, admitted June 6, 1871.
John Rogers, admitted June 7, 1871.
Harry Still, admitted June 7, 1871.
Almstead Nave, admitted June 7, 1871.
Joseph Walfe, admitted June 7, 1871.
Eli Keys and family, admitted June 13, 1871.
Jonas Keys, admitted June 13, 1871.
Hardy Thompson, admitted June 7, 1871.
Russell Vann and family, admitted June 7, 1871.
Feeling Evans and family, admitted June 7, 1871.
Josh Whitmire, admitted June 8, 1871.
William Lynch and family from Saline District, admitted, June 8, 1871, the same being No. 56 and No. 57, Saline District, and is as follows:
"Stephen Henry Lynch and family, decided against defendants, June 8, 1871."
And No. 58, "Jack Davis, decided against defendant, June 8, 1871."
And among others in Saline District is Charles Nave and family, admitted June 9, 1871. Also from Saline District, Delilah Vann and children, admitted June 9, 1871. Also from Saline District, Butler McNair, admitted June 9, 1871. And Bill Vann and family, including Bill, Lydia, Jim, Rose, Sallie, from Saline District, admitted June 9, 1871. From Saline District, Mike Fields, admitted June 9, 1871. Abram Fields, admitted June 9, 1871. Nancy Alberty, admitted June 9, 1871. Polly Alberty, admitted June 9, 1871. Caleb Vann, and wife, admitted June 9, 1871. Sallie Vann and family, admitted June 9, 1871. Frank Vann, admitted June 9, 1871. And among others, vary Vann, Sallie Vann, Betsy Vann, Cynthia Vann, and James Vann, admitted June 9, 1871. Eli Gentry, admitted June 7, 1871. And attention is also invited to the records that shows that people were admitted and alternating with those applicants that were rejected by the Court.

MR. PATTEN:

The Attorneys for applicants have no objection to that part of the record just ready by the representative of the Cherokee nation, but submit that the record will show that it does not contradict the witness, Sam Webber, for the reason that we submit his testimony will show that a number of people admitted as he stated was that they were the only ones that he remember of being admitted while he was there, and for the same reason in regard to the other witnesses in this case has testified in regard to the procedure of the Daniels Court. For the purpose of rebutting the Cherokee nation, for the purpose of corroborating the witnesses introduced on behalf of the applicants we ask that pages 35, 36, 37, 38, and 39, being apart of the record of the Docket of Doubtful cases for Cherokee citizenship tried in 1871 before the Daniels Court, being particular from Saline District, Cherokee Nation, Indian Territory, be made a part of the record in this case. Be copied into the record just as they are.

MR. HASTINGS:

The representative of the Cherokee nation has no objection but takes this ~~now~~ occasion to deny that it will in any way corroborate any statements made by witness, but on the other hand it tends to contradict the material parts of the testimony given by witnesses on behalf of the applicants.

ON BEHALF OF THE COMMISSIONER:

There being no objection the pages referred to will be here copied into the record and is as follows:

"Saline District.

- R R 53 Walker vartin, Too late, Decided against claimants June 13, 1871.
- R R 54 George vartin & family.
Decided against defendants, June 8th, 1871.
- R R 55 Jack vartin & family
Decided against defendants, June 8th, 1871.
- R A 56 William Lynch & family Martha witness
Decided in favor defendants, June 8th, 1871.
- R R 57 Stephen Henry Lynch & family
Decided against defendants June 8th, 1871.
- R R 58 Jack davis
Decided against defendant, June 8th, 1871.

- R R 59 Jordan Thompson
Decided against defendant, June 8th, 1871.
- R R 60 Thomas wayfield
Decided against defendant, June 8, 1871.
- R R 61 George Bryant
Decided against defendant, June 8, 1871.
- R R 62 Joseph Rogers & family
Decided against defendants, June 8, 1871.
- R R 63 George Landrum & family
Decided against defendants June 8, 1871.
- R R 64 Jacob Bean & family
Decided against defendants, June 8, 1871.
- R R 65 Samuel Roberts Too late
Decided against claimant, June 13, 1871.
- R R 66 Sandy Bean & family
Decided against defendants, June 8th, 1871.
- R R 67 Arthur Bean
Decided against defendant, June 8, 1871.
- R R 68 Tobe Bean
Decided against claimant June 8, 1871.
- R R 69 George Bean & family
Decided against claimants June 8, 1871.
- R R 70 Welson Martin & family
Decided against claimants, June 8, 1871.
- R R 71 Jacob Martin
Decided against claimant June 9th, 1871.
- R A 72 Chas. Nave & family
Decided in favor of claimants, June 9th, 1871.
- R R 73 Adam Lynch & family
Decided against claimants June 9th, 1871.
- R R 74 John Bean
Decided against claimant, June 9th, 1871.
- R R 75 James Andrew Too late
Decided against claimant, June 13, 1871.
- R R 76 Johnson Vann
Decided against claimant June 9, 1871.

- R A Delilah Vann & family children
Decided in favor of claimant, June 9, 1871.
- R R 77 Mariah Vann too late
Decided against claimant 13, 1871.
- R R 78 James Martin Too late
Decided against claimant, June 13, 1871.
- R R 79 David Brown Too late
Decided against claimant, June 13, 1871.
- R R 80 Washington Vann
Decided against claimant, June 9, 1871.
- 81 Leonard Bouls,
Claiming rights by marriage.
- R R 82 James Vann & family
Decided against claimants June 13, 1871.
- R A 83 Butler Mowair Jno. Springston witness
Decided in favor of claimants, June 9, 1871.
- R R 84 Payton Martin
Decided against claimant June 9, 1871.
- R A 85 Bill Vanns children as follows. Bill, Lydia,
Ben, Rose, Imo & Sally.
Decided in favor of claimants, June 9th, 1871.
- R R 86 David French Too late
Decided against claimants, June 13, 1871.
- R R Perry Vann Too late
Decided against claimant June 13, 1871."

Attorneys for applicants and the Cherokee Nation announce they have no further evidence to introduce in this case the same will be closed and a decision rendered on the evidence heretofore introduced.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before • this 18th day of January, 1907.

Chas. H. Webster
Notary Public.

J.O.R.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Moses Riley et al., as Cherokee Freedmen, consolidating the
applications of:

| | | | |
|-------------------------|-------------------|---|-----|
| Moses Riley et al. | Cherokee Freedmen | D | 258 |
| Andrew Riley et al. | Cherokee Freedmen | D | 260 |
| Jesse Riley et al. | Cherokee Freedmen | D | 261 |
| Frank Riley et al. | Cherokee Freedmen | D | 262 |
| Jerry Riley et al. | Cherokee Freedmen | D | 263 |
| Fannie Scott et al. | Cherokee Freedmen | D | 266 |
| Delilah Johnson et al. | Cherokee Freedmen | D | 267 |
| Lottie Johnson et al. | Cherokee Freedmen | D | 268 |
| Jane Riley | Cherokee Freedmen | D | 600 |
| Daniel Thompson | Cherokee Freedmen | D | 606 |
| Elick Ward et al. | Cherokee Freedmen | D | 623 |
| Sandy Thompson | Cherokee Freedmen | D | 693 |
| Ruth Riley et al. | Cherokee Freedmen | D | 579 |
| Hannah Riley | Cherokee Freedmen | D | 569 |
| Charles Landrum | Cherokee Freedmen | D | 601 |
| Bettie McIntosh | Cherokee Freedmen | D | 903 |
| William Riley | Cherokee Freedmen | D | 603 |
| Carrie Gibson, | Cherokee Freedmen | D | 704 |
| Cora J. Wagoner et al. | Cherokee Freedmen | D | 570 |
| Arthur Riley | Cherokee Freedmen | D | 571 |
| Elizabeth Melton et al. | Cherokee Freedmen | D | 441 |
| Julius Curle | Cherokee Freedmen | D | 269 |
| Riley Curle et al. | Cherokee Freedmen | D | 270 |
| Ophelia Thompson et al. | Cherokee Freedmen | D | 271 |
| Mollie Townsend et al. | Cherokee Freedmen | D | 651 |
| Emma Purtle | Cherokee Freedmen | R | 556 |
| Ellen Beam | Cherokee Freedmen | R | 674 |
| Walter Vann et al. | Cherokee Freedmen | R | 675 |
| Frank Vann et al. | Cherokee Freedmen | R | 602 |

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That applications
for enrollment as Cherokee Freedmen were made to the Commission

to the Five Civilized Tribes by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and minor child Nathaniel Riley; by Jesse Riley for himself and minor children, Joseph, Ollie, Viola, Mabel, Elnora, Ideller and Luther D. Riley; by Frank Riley for himself and minor children, Lottie, Fannie, James, Ralph, Arizona and Inola Riley; thereafter, on June 12, 1902, there was filed with the Commission an affidavit showing the birth on November 30, 1901, of Earl E. Riley, child of the applicant, Frank Riley, and on June 28, 1902 there was filed with the Commission an affidavit showing the birth on December 31, 1901, of Clarence Riley, an illegitimate child of the applicant Lottie Riley; by Jerry Riley for himself and minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and minor children, Charles Wesley Miller and Bessie and Jimmie Scott; by Delilah Johnson for herself and minor children, Allie, Laman, Jesse, Alfred, Nola, Della, Ella, and Harrison Johnson; by Lottie Johnson for herself and minor children, Rebecca, Luford, Wilbert and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Ellick Ward for himself, his wife, Amanda Ward, and minor children, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse, and Maine Ward; by Sandy Thompson for himself; by Ruth Riley for herself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on January 22, 1902, of Lenora Odine Riley, child of the applicant Ruth Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself; thereafter, on October 3, 1901, there was filed with the Commission an affidavit showing the birth, on August 24, 1901, of Oval Wagoner, child of the applicant Cora J. Wagoner; by Arthur Riley for himself; by Elizabeth Melton for herself and minor child, Elnora Melton; by Julius Curls for himself; by Riley Curls for himself and minor children, Willie, Edward, James, George, Stephenia and Clarence Curls; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 13, 1902, of Beatrice Curls, child of the applicant Riley Curls; by Ophelia Thompson for herself and minor children, Alpha, Libbie, Hirschel, Harvey and Clyde Thompson; by Nellie Townsend for herself and minor children, Rosa, George, Arthur and Ethel Townsend; by Emma Partle for herself; by Ellen Bean for herself; by Walter Vann for himself and minor child, Waneta Vann; by Jesse Vann for himself and minor children, Frank, Riley, and Lov t Vann. As the application of Jesse Vann has been differently classified, his right to enrollment will not be considered in this decision.

The records further show that on October 13, 1902,

the Commissioner to the Five Civilized Tribes, rendered his decision herein denying, among others, all of the above mentioned applicants, except Emma Partle, Ellen Beam, and Walter, Wmeta, Frank, Riley, and Lovat Vann, the right to enrollment as Cherokee freedmen, which decision was duly forwarded to the Department, and thereafter, on July 9, 1906 (I.T.R. 17884-1906), said case was remanded to the Commissioner for rehearing and readjudication; that on July 23, 1904, the Commission to the Five Civilized Tribes rendered its decision rejecting the applications for the enrollment of Emma Partle, Ellen Beam, and Walter and Wmeta Vann as Cherokee freedmen; that said decision was, on November 12, 1904 (I.T.R. 8594-1904), duly affirmed by the Department. Thereafter, on September 18, 1906, the Department rescinded its said decision of November 12, 1904, and remanded said case to the Commissioner to be consolidated with the Cherokee freedmen cases of Moses Riley et al., and to be readjudicated with the same; and that, on July 10, 1903, the Commission to the Five Civilized Tribes rendered its decision rejecting, among others, the application for the enrollment of Frank, Riley, and Lovat Vann, as Cherokee freedmen; that said decision was, on May 11, 1904 (I.T.R. 2412-1904), duly affirmed by the Department, and that thereafter, on October 12, 1906 (I.T.R. 12379-1906), the Department directed that the rights of these children to enrollment as Cherokee freedmen be adjudicated in connection with the case of their alleged mother, the said Emma Partle.

Further proceedings were had in this consolidated case at Garnett, Kansas, October 26, 1906, and at Muskogee, Indian Territory, December 7, 8, 10, 11, and 12, 1906. December 12, 1906, the Commissioner ordered that the cases of Daniel Thompson, D 606, Elsie Ward et al. D 623, and Gandy Thompson D 693, be separated from the consolidated case of Moses Riley et al. The applicants in these three cases have several times been notified to appear and introduce testimony showing their right to enrollment as Cherokee freedmen, but have failed to do so. There is filed herewith and made a part of the record herein, a letter from Messrs. Starr & Patton, attorneys representing a majority of the applicants included in this case, dated January 17, 1907, referring to the three cases mentioned and stating that they "are unable to do anything with the case from the applicants' standpoint" and that "we will have no testimony to introduce in the case." The Commissioner's order of December 12, 1906, separating these three cases from the consolidated case of Moses Riley et al., is therefore hereby set aside.

Since this case was remanded to the Commissioner there have been filed herewith and made a part of the record herein, the following documents:

A certified copy of a marriage license issued on June 24, 1893, by the Clerk of Coconawcawee District, Cherokee Nation, authorizing the marriage of Thom. R. Allen and Willie McHair;

A certified copy of the "indictment, trial, and judgment of the Court and Jury" in the case of Riley Curis et al. in the United States District Court for the Western District of Arkansas, Fort Smith Division;

A certificate by the Clerk of Anderson County, Kansas, relative to whether the names of certain of the applicants herein appear upon the assessment records of Monroe Township, Anderson County, Kansas, during the years 1867, 1868 and 1869;

Six permits issued by the Clerk of Coconino County, Arizona, authorizing Jerry McNair, or Riley, to employ certain persons;

An application made by Lewis Whitmore to the Chambers Court of the Cherokee Nation, on June 26, 1878, for Cherokee citizenship;

A certified copy of an Act of the Cherokee National Council approved October 12, 1866, relative to the repeal of certain confiscation acts permitting Southern Cherokees to repossess themselves of their homes and effects December 1, 1866.

THE EVIDENCE IN THIS CASE SHOWS: That Samuel Riley, or McNair, and Maria Riley, or McNair, were the parents of the applicants, Moses, Andrew, Jesse, Frank, and Jerry Riley, Emma Purdie, Fannie Scott, Delilah Johnson, Lottie Johnson, and Millie Riley, or McNair, deceased; that the said Riley, Maria and Millie McNair, all deceased; and the applicants, Moses, Andrew, Jesse and Jerry Riley, Emma Purdie, Fannie Scott, and Lottie Johnson, and the applicants, Jane Riley, Daniel Thompson, Ellick and Amanda Ward, and Sandy Thompson, and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion, and that they were taken from the Cherokee Nation during said rebellion.

Since the case was remanded to the Commissioner for further proceedings no additional evidence has been submitted showing whether or not Jane Riley returned to the Cherokee Nation within the time limited by the Treaty of 1866, or to show that she possesses any right whatever to Cherokee freedman citizenship.

The applicant Ruth Riley, was born since 1866, is a daughter of Henry Thornton, deceased, and Katie Thornton, who were slaves of Cherokee citizens at the commencement of the war of the rebellion, but after ample opportunity having been afforded, the applicant has wholly failed to establish by satisfactory evidence that her said parents complied with the provisions of the Treaty of 1866, or to show that she possesses any right whatever to enrollment as a Cherokee freedman.

It is not shown, nor does it appear that it is claimed

that Hannah Riley possesses any right whatever to Cherokee freedman citizenship.

The evidence in the case shows that Harrison Johnson, deceased, father of the minor applicants, Allie, Iman, Jesse, Alfred, Mola, Della, Ella, and Harrison Johnson, and Jane Riley, Daniel Thompson, Ellick and Amanda Ward, Sandy Thompson, Ben Landrum, deceased, and Columbus Rogers, deceased, did not return to the Cherokee Nation, after the war of the rebellion, and establish an actual personal bona fide residence therein, as provided by Section three of the Act of Congress approved April 26, 1906 (34 Stat. 137).

The applicants Lillie, Nathaniel, Joseph, Ollie, Viola, Habel, Rhora, Iseller, Luther D., Frank, Lottie, Fannie, James, Ralph, Arizona, Inola, Earl R. (In C.F.D. 624 the Commission to the Five Civilized Tribes found that Mary Riley, mother of the seven last named children, was not entitled to enrollment as a Cherokee freedman, and its finding was affirmed by the Department October 31, 1904-I.T.D. 8138-1904-), Clarence, Samuel, James R., Amanda, Mariah, Maggie, Calvin, Bertha, Ada, and Leona Riley, Charles Wesley Miller, Bessie and Jimmie Scott, Delilah, Allie, Iman, Jesse, Alfred, Mola, Della, Ella, Harrison, Rebecca, Inford, Wilbert, and Arch Johnson, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Maine Ward, Lemora Odine Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. and Oval Wagoner, Arthur Riley, Elizabeth and Rhora Melton, Julius, Riley, Willie, Edward, James, George, Stephenia, Clarence and Beatrice Curis, Ophelia, Alpha, Libbie, Mirschel, Harvey and Clyde Thompson, were born since the commencement of the war of the rebellion and possess no right to Cherokee freedman citizenship other than as descendants of the said Samuel and Maria Riley, deceased, and Wm. Andrew, Jesse and Jerry Riley, Fannie Scott, Lottie Johnson, Millie Riley, deceased, Jane Riley, Daniel Thompson, Ellick and Amanda Ward, Sandy Thompson, Ben Landrum, deceased, Harrison Johnson, deceased, Columbus Rogers, deceased, Ruth Riley and Hannah Riley.

The Commissioner to the Five Civilized Tribes on February 23, 1907, rendered his decision rejecting the application of Jesse Vann, father of the applicants Mollie Townsend, Ellen Bean, Walter Vann and Frank, Riley, and Lovat Vann, for enrollment as a Cherokee freedman. It is therefore considered that the applicants Mollie, Ellen, George, Arthur and Ethel Townsend, Ellen Bean, Walter, Wm.eta, Frank, Riley, and Lovat Vann, who were born since 1866, possess no right to enrollment as Cherokee freedman other than as descendants of their mother and grandmother, the said Fann Purdie.

The only question remaining to be decided in this case is:

Did Samuel Riley or McFair and his wife, Maria Riley, and their children herein named, who were born at that time, return to the Cherokee Nation after the close of the war of the rebellion, within the time limited by the treaty of 1866, to entitle them to Cherokee freedman citizenship?

Since this consolidated case was remanded to the

Commissioner there have been introduced on both sides of the case, forty-seven witnesses, whose testimony is exceedingly contradictory.

The applicants claim that Samuel Riley came to the Cherokee Nation in the spring of 1866; that he raised a crop of corn on the place of Jack and Susannah McHair, his former owners; that he remained in the Cherokee Nation during the summer of 1866; then returned to the state of Kansas, and in the fall of 1866, brought his family, including the said Moses, Andrew, Jesse, Frank, and Jerry Riley, Fannie Scott, Delilah Johnson, Lottie Johnson, and Emma Partle, directly to, and settled on, the Jack and Susannah McHair place, where they continued to reside during the years 1867 and 1868.

The evidence shows that Millie Riley, deceased, a daughter of said Samuel and Maria Riley, and mother of the applicants Julius and Riley Curle and Ophelia Thompson, and grandmother of the minor applicants, Willie, Edward, James, George, Stephenia, Clarence and Beatrice Curle, and Alpha, Libbie, Mirabel, Harvey and Clyde Thompson, returned to the Cherokee Nation at a later date than the other members of her said family.

The testimony introduced on behalf of the Cherokee Nation shows conclusively that no crop was made on the Jack and Susannah McHair place by any member or members of this Riley or McHair family, in 1866, and that none of said family were on that place, after the war of the rebellion, earlier than, possibly, May, 1867.

The testimony introduced on behalf of the applicants to the effect that when the Riley family left the state of Kansas they went direct to the said Jack and Susannah McHair place in the Cherokee Nation, is uncontradicted. William Spriggs, who testified in the case at Garnett, Kansas, October 26, 1906, on behalf of the applicants, and on whose testimony it appears the applicants so much rely, states that this family left his place for the Cherokee Nation in the fall of 1866, but in an affidavit executed by him August 25, 1905, before a Notary Public, which affidavit is copied into and made a part of the record in this case, he states, in reply to the question—"How did he (meaning Samuel Riley, or McHair) come to leave your farm?" that "Congress had passed an Act giving the freedmen an interest with the Indians in the lands in the Cherokee Nation, provided they were there by a time specified in the Act, and I informed him of the passage of the Act and advised him to return in time to obtain that interest, and he left for that purpose."

There is in the possession of this office a Roll of the Cherokee People, made from a census taken in 1867, which roll was made under authority of section twelve, Treaty of 1866, for the purpose of ascertaining the number of Cherokee citizens in order that the representation of the Cherokee Nation in the General Council provided for by said treaty might be properly apportioned.

Section 12 of said Treaty reads in part as follows:

"After the ratification of this Treaty, and as soon as may be deemed practicable by the Secretary

of the Interior, and prior to the first session of said council, a census or enumeration of each tribe lawfully resident in said (Indian) Territory shall be taken under the direction of the Commissioner of Indian Affairs, whom for that purpose, is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States."

Under authority of this provision the Commissioner of Indian Affairs appointed one W. Tompkins to take the census of the Cherokee Tribe. In taking this census Mr. Tompkins followed the political divisions of the Cherokee Nation. The roll made from this census is contained in four substantial well preserved volumes, the names of the Cherokee citizens, at that time, appearing in their respective districts, said districts being divided in four volumes, as follows, to-wit:

| | |
|--|-----------|
| Going Snake and Delaware Districts | Volume 1, |
| Tahlequah and Saline Districts | Volume 2, |
| Canadian and Delaware Districts | Volume 3, |
| Flint, Sequoyah and Koo-wees-koo-wee Districts | Volume 4, |

The citizens of the Cherokee Nation were classified by the census taker under four heads, namely: Indians, Whites, Halfbreeds and Colored. In his recapitulation of the census taken, Mr. Tompkins found there were 13566 Cherokee citizens residing in their nation, divided under the foregoing heads, as follows: Indians, 9588, Whites, 47, Halfbreeds, 2650, and Colored, 1281. The certificate of the census taker is found on the last page of Volume 4, and reads as follows, to-wit:

"I certify that the foregoing is a true and correct census or enumeration of the Cherokee Indians residing in their Nation:- taken in obedience to your appointment per telegram dated June 10, 1867, and instructions dated July 1, 1867, and in accordance with the provisions of Article 12th, Section 1st of a Treaty made with the Cherokee Nation dated July 19, 1866.

W. Tompkins,
Special U.S. Commissioner to take census of Cherokee Indians."

This roll is considered reliable for the reason that the census from which it was made was taken by disinterested parties and for a purpose that makes it highly improbable that any reason existed for placing in said roll the name of any person not entitled or excluding therefrom the name of any person entitled to citizenship in the Cherokee Nation. The question as to whether

or not those claiming under Article 9 of the Treaty of 1866 had complied with the provisions thereof was, at that time, easily determined, especially so as to the date of return, inasmuch as this census was taken only a few months after the time limited by said Article 9 of the treaty for the return of Cherokee freedmen, had expired.

An examination of the roll fails to show the names of any of the above named applicants, or of any of the aforementioned deceased ancestors, enumerated thereon.

It is therefore considered, in view of the record in this case and of the fact that no one of the applicants herein or any of the ancestors through whom they claim the right to Cherokee freedman citizenship is identified upon said roll of 1867, that they, or either of them did not return to the Cherokee Nation within the time limited by the treaty of 1866, to entitle them to Cherokee freedman citizenship.

Since the last proceedings had in this case, this office has secured from the Executive Secretary of the Cherokee Nation a list of the "Names of persons who have appeared, or have been duly Summonsed before the Commission on Citizenship of the Cherokee Nation, during the years 1878-79 & 80, and who have failed to establish their rights to Cherokee Citizenship;" which list was certified to by the Assistant Executive Secretary of the Cherokee Nation on the "18th day of April--" (record is worn and year not shown). Among others appearing in the list is the following:

| No. of Case. | Name of Claimants, | 1870-9
Decisions rendered. |
|--------------|--------------------|-------------------------------|
| Col. 31 | Riley McHair | By default. |

The failure of this colored person to prosecute his claim for Cherokee citizenship before the Cherokee Commission on Citizenship when his case was before that tribunal, which was at a time when the question as to the date of his return to the Cherokee Nation after the war of the rebellion could have been easily determined, is considered strong evidence of the fact that the conclusion herein reached that said applicants did not return to the Cherokee Nation prior to February 11, 1867, is correct.

The evidence herein further shows that the applicants, Ethel Townsend and Clarence Curls died prior to September 1, 1902, and affidavits to that effect are filed herewith and made a part of the record herein.

Section 25 of the Act of Congress approved July 1, 1902 (32 Stat. 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

or not those claiming under Article 9 of the Treaty of 1866 had complied with the provisions thereof was, at that time, easily determined, especially so as to the date of return, inasmuch as this census was taken only a few months after the time limited by said Article 9 of the treaty for the return of Cherokee freedmen, had expired.

An examination of the roll fails to show the names of any of the above named applicants, or of any of the aforementioned deceased ancestors, enumerated thereon.

It is therefore considered, in view of the record in this case and of the fact that no one of the applicants herein or any of the ancestors through whom they claim the right to Cherokee freedman citizenship is identified upon said roll of 1867, that they, or either of them did not return to the Cherokee Nation within the time limited by the treaty of 1866, to entitle them to Cherokee freedman citizenship.

Since the last proceedings had in this case, this office has secured from the Executive Secretary of the Cherokee Nation a list of the "Names of persons who have appeared, or have been duly Summoned before the Commission on Citizenship of the Cherokee Nation, during the years 1878-79 & 30, and who have failed to establish their rights to Cherokee Citizenship;" which list was certified to by the Assistant Executive Secretary of the Cherokee Nation on the "18th day of April--" (record is worn and year not shown). Among others appearing in the list is the following:

| No. of Case. | Names of Claimants, | 1878-9
Decisions rendered. |
|--------------|---------------------|-------------------------------|
| Col. 81 | Riley McNair | By default. |

The failure of this colored person to prosecute his claim for Cherokee citizenship before the Cherokee Commission on Citizenship when his case was before that tribunal, which was at a time when the question as to the date of his return to the Cherokee Nation after the war of the rebellion could have been easily determined, is considered strong evidence of the fact that the conclusion herein reached that said applicants did not return to the Cherokee Nation prior to February 11, 1867, is correct.

The evidence herein further shows that the applicants, Ethel Townsend and Clarence Curles died prior to September 1, 1902, and affidavits to that effect are filed herewith and made a part of the record herein.

Section 25 of the Act of Congress approved July 1, 1902 (32 Stat. 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

IT IS THEREFORE ORDERED AND ADJUDGED: That, under the provisions of Section 21 of the Act of Congress approved June 28, 1893 (50 Stat., 495), Moses Riley, Lillie Riley, Andrew Riley, Nathaniel Riley, Jesse Riley, Joseph Riley, Ollie Riley Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley, Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott, Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson, Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward, Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley, Hannah Riley, Charles Landrum, Bettie McDosh, William Riley, Carrie Gibson, Cora J. Wagoner, Oval Wagner, Arthur Riley, Elizabeth Melton, Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls, Beattrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, Clyde Thompson, Mollie Townsend, Rosa Townsend, George Townsend, Arthur Townsend, Emma Purtle, Ellen Bean, Walter Vann Waneta Vann, Frank Vann, Riley Vann, and Lovat Vann, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied; and it is further ordered that, under the provisions of Section 25 of the Act of Congress above quoted the applications for the enrollment as Cherokee freedmen of Clarence Curls and Ethel Townsend, should be, and the same are, hereby dismissed.

SIGNED *Tams Bixby.*

Commissioner

Dated at Muskogee, Indian Territory,

this _____

FF. 2. 1907

AJM²

Cherokee Freedman D 393

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jacob Bean, et al., as Cherokee Freedmen.

--1--

D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes on May 23, 1901, at Vinita, Indian Territory, by Jacob Bean for himself and minor children, Bertha and George Bean; and by Bertha Bean, on May 24, 1901, at Vinita, Indian Territory, for her illegitimate minor child, Willie Vann. As the applicant George Bean has been differently classified, his rights to Cherokee freedman citizenship will not be considered in this decision. Copies of the testimony taken at different times and places in re applications for enrollment as Cherokee freedmen of Neatie Martin and Thomas Mayfield are filed herewith and made a part of the record herein. Further proceedings in the matter of said applications were had on May 26, 1902, December 7, 8 and 21, 1902, and January 4, 1906, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Jacob Bean, claims the right to Cherokee Freedman citizenship by virtue of his compliance with the provisions of Article IX, Treaty of 1856, and that the minor applicants claim the same right as his descendants, and also as descendants of one Judie Bean, nee Henry, or Lynch, now deceased.

The following points are fully established, no attempt having been made to disprove them:

- (1) That the applicant, Jacob Bean, was the slave of a Cherokee citizen at the commencement of, and removed to the state of Kansas during, the rebellion, but later returned to the Cherokee Nation and established his residence therein.

- (2) That the minor applicant, Bertha Bean, was born since 1880, and is the daughter of the applicant Jacob Bean and his wife, one Judie Bean, since deceased; and that the minor applicant, Willie Vann, was born since 1896, is the illegitimate child of the applicant, Bertha Bean, and is the fruit of a lewd and illicit association.
- (3) That the said Judie Bean was born in Kansas during the rebellion, and is the daughter of Steve and Peggie Henry, or Lynch, both deceased, and both of whom were the slaves of a Cherokee citizen at the commencement of, and removed to Kansas during, the rebellion, but later, together, returned to the Cherokee Nation and established their residence therein.
- (4) That after the rebellion the principal applicant, Jacob Bean, returned to the Cherokee Nation with his father, Sandy Bean, since deceased, and that on June 8, 1871, Jacob Bean, the principal applicant, and his family, were denied the right to Cherokee Freedman citizenship by the duly constituted authorities of said nation, to-wit, the Supreme Court, commonly known as the Daniels Court.
- (5) That neither the applicants herein nor any ancestor through whom by any possibility they might obtain rights to Cherokee citizenship, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

In view of the foregoing, it is considered that the primary questions presented for determination in this case are:

Did the applicant Jacob Bean, and the said Steve and Peggie Henry, or Lynch, both now deceased, or either of them, return to the Cherokee Nation after the rebellion and establish their residence therein within the time specified by the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitacre, trustee, etc. vs., the Cherokee Nation et al., for the return of freedmen to said Nation?

The records of this office show that on August 20, 1878, the Chambers citizenship court denied the said Jacob Bean the right to Cherokee freedman citizenship. Docket No. 40, p. 20.

The records of this office further show that on June 8, 1871, the said Sandy Bean, now deceased, and his family were denied the right to Cherokee freedman citizenship by the said Daniels Court, Docket No. 66, p. 36, and by the Chambers citizenship court on August 20, 1878, Docket No. 44, p. 31.

The records of this office further show that on June 8, 1871, the said Stephen Henry Lynch and family, were denied the right to Cherokee freedman citizenship by the said Daniels court. Docket No. 57, p. 35.

The evidence further shows that the said Steve and Peggie Henry, or Lynch, since deceased, lived in the state of Kansas continuously from the fall of 1862 to the fall of 1867.

In its decision rendered on July 10, 1903, in re application of, among others, Nettie Eaton, for enrollment as a Cherokee freedman, case No. D 190, now E 536, the Commission to the Five Civilized Tribes found that the said Steve and Peggie Henry, or Lynch, did not return to the Cherokee Nation after the rebellion within the time specified in the Whitfire decree, and on March 17, 1904, said finding was concurred in by the Commissioner of Indian Affairs (Land 66281), and on May 11, 1904, affirmed by the Department (I.T.D. 2412-04).

It is alleged by Bertha Bean that one Samuel Vann, a duly recognized freedman citizen of the Cherokee Nation, is the father of her child, the minor applicant, Willie Vann. This is denied by the said Samuel Vann.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case fails to show that the applicants herein possess any rights to enrollment as Cherokee freedmen.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Jacob Bean, Bertha Bean and Willie Vann are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.



Commissioner

Dated at Muskogee, Indian Territory,

this MAR 3-1906

Copy

UNITED STATES OF AMERICA }
NORTHERN JUDICIAL DISTRICT } 23
INDIAN TERRITORY }

Before me, J. W. Ratcliff, a Notary Public in and for said District and Territory came Arthur Bean of lawful age who being duly sworn deposes and says: That I am 31 years of age and am a Cherokee Freedman and was born in the Cherokee Nation and I went to Kansas and was taken there by the orders of the United States Army and after the war I came back to the Cherokee Nation in the latter part of September and the first part of October, 1866, and was in the "Horse Creek Fight" with my brothers George, Tebe, Joe and other persons and I have resided here in the Cherokee Nation ever since.

I was well acquainted with Andy Fields, a slave of George Fields, a Cherokee citizen and with Chaney Ross, a slave of Susie Ross a Cherokee citizen.

Andy Fields and his wife Chaney Fields nee Ross were the father and mother of Jackson Fields.

Andy Fields was taken south by his owner and Chaney Fields nee Ross was taken by the United States Army to Kansas and she died in Kansas but I do not know when.

I know Jackson Fields before the war and after the war, in January, 1867, near the first day I next saw Jackson Fields at the home of Joe Lynch, his brother in law in the Cherokee Nation, Indian Territory, and of this fact I am positive. He staid there that winter and then went off and came back and I do not know where he had been for he was only a boy about 10 or 12 years old and had no one to look after him and he was like all other boys who had no mother to keep him right but after he had got married he has been living in the Cherokee Nation continuously ever since.

I am certain that he was in the Cherokee nation in January, February and March, 1867, for I have seen him frequently.

I am likewise acquainted with his sister, Joe Lynch's wife, and in fact was well acquainted with all of Jackson Fields' brothers and sisters.

Witness to mark
J. W. Ratcliff
O. A. Smith

His
Arthur X Bean
mark

Subscribed to and sworn before me this 11th day of
December, A. D., 1866.

(SEAL)

J. W. Ratcliff
Notary Public.

My Com. ex. 4/4/66.

Geo. H. Lessley, being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing from a copy of the original thereof, said copy being on file with the records of this office in the Cherokee Freedman enrollment case of Jackson Fields, et al., F R 452, and that the same is true and correct.

Geo. H. Lessley

Subscribed and sworn to before me this 18th day of January, 1907.

John E. Tidwell

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-cOo-

In the matter of the application of William Vann, et al., for enrollment as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:-

William Vann, Cherokee Freedman D-309
Nettie Eaton, Cherokee Freedman D-190

-SUPPLEMENTAL DECISION-

It appears from the records of the Commission that on July 10, 1903, the Commission rendered its decision in the consolidated case of Jesse Vann, et al., Cherokee Freedmen D-234, wherein the applications for enrollment as Cherokee Freedmen of William Vann and Nettie Eaton were denied. Thereafter, the Department in its letter of May 11, 1904, (I.T.D.2412-1904), affirmed the decision of the Commission denying the applications of William Vann and Nettie Eaton as Cherokee Freedmen, and stated that inasmuch as said applicants are married to recognized Cherokee Freedmen, their rights as inter-married Cherokees should be determined:

It does not appear that either of said applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that either of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Lemuel Welcomes, (I.T.D.5848-1904, 11776-1904), William Vann and Nettie Eaton are not entitled to be enrolled as citizens by intermarriage of the Cherokee Nation, and that their applications for enrollment as such should be denied, under the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGN--

Tams Dixby.

Chairman.

(SIGNED).

I. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

MAY 13 1905

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jesse Vann, et al., as Cherokee freedmen, consolidating the applications for the enrollment of:

| | |
|---------------------------|---------------------------------|
| Jesse Vann ----- | Cherokee freedmen R 302 (D 254) |
| William Vann ----- | Cherokee freedman R 573 (D 209) |
| Nettie Eaton ----- | Cherokee freedman R 535 (D 109) |
| Daniel Lynch, et al ----- | Cherokee freedmen R 301 (16) |
| Jacob Bean, et al ----- | Cherokee freedmen D 393 - R 884 |

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Jesse Vann for himself and minor children, Frank, Riley and Levat Vann; the application for the enrollment of Frank, Riley and Levat Vann is differently classified and their rights to enrollment will not be considered in this decision; by William Vann for himself and his wife, Hannah, and his minor child, Annie Vann; the application for the enrollment of said Hannah and Annie Vann is differently classified and their rights to enrollment will not be considered in this decision; by Tom Eaton for, among others, his wife, Nettie Eaton; the others included in said application are differently classified and their rights to enrollment will not be considered in this decision; by Daniel Lynch for himself and his wife, Mary Lynch, and their minor children, Arthur and Lucine Lynch; by Jacob Bean for himself and minor daughter, Bertha Bean, and minor son, George Bean; the application for the enrollment of said George Bean is differently classified and his right to enrollment will not be considered in this decision, and by Bertha Bean for her minor son, Willie Vann. The records further show that on July 10, 1903, the Commission to the Five Civilized Tribes rendered its decision herein, denying, among others, Jesse Vann, William Vann, Nettie Eaton, Daniel Lynch, Mary Lynch, Arthur Lynch and Lucine Lynch the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded the Department for review; that thereafter on May 11, 1904 (I.T.B. 2412-9-4) the Department affirmed said decision of the Commission to the Five Civilized Tribes as to all the applicants, and stated that inasmuch as said William Vann and Nettie Eaton had married recognized Cherokee freedmen, their rights as

intermarried citizens should be determined, and that thereafter on May 13, 1905, said Commission rendered its decision herein, denying said William Vann and Nettie Eaton the right to enrollment as citizens by intermarriage of the Cherokee nation, which decision was, on June 22, 1905, duly approved by the Department. The records further show that on March 3, 1906, the Commissioner to the Five Civilized Tribes rendered his decision herein, denying the applications for the enrollment of Jacob Bean, Bertha Bean and Willie Vann as Cherokee freedmen, and that said decision was duly forwarded the Department for review; that thereafter on December 7, 1906 (I.T.D.21044-06), motions to reopen said cases having been filed with the Department, the Secretary of the Interior remanded said cases to this office with instructions to consolidate the cases of Jesse Vann, et al. and Jacob Bean et al. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, January 10, 11, and 14, 1907. A copy of the testimony of Arthur Bean taken before the Commissioner to the Five Civilized Tribes September 14, 1905, in the matter of the application for the enrollment of Jackson Fields, et al., as Cherokee freedmen, and an affidavit executed by said Arthur Bean December 31, 1904, in the matter of said application, are filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein, Jesse Vann, William Vann and Jacob Bean, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that they left the Cherokee Nation during the progress of said rebellion, and did not return thereto and establish an actual personal bona fide residence in the Cherokee Nation until subsequent to February 11, 1867. It is further shown that Nettie Eaton and Daniel Lynch were born since 1866, and are descendants of Steve and Peggie Lynch, and neither claim nor possess any right to enrollment as Cherokee freedmen other than as such descendants; that the said Steve and Peggie Lynch were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during the progress of said rebellion they left the Cherokee Nation and did not return thereto and establish an actual personal bona fide residence therein until subsequent to February 11, 1867. It is further shown that the said Bertha Bean was born since 1866, and is a daughter of the said Jacob Bean and one Judie Bean, since deceased; that the said Judie Bean was born in Kansas during the rebellion and was the daughter of said Steve and Peggie Lynch, and returned to the Cherokee Nation with her said parents when they returned thereto subsequent to February 11, 1867, and that said Bertha Bean possesses no right to enrollment as a Cherokee freedman not possessed by her said parents; that the said Willie Vann is a minor son of the said Bertha Bean and claims the right to enrollment as a descendant of his said mother, and also as a descendant of his alleged father, one Samuel Vann, a duly recognized freedman citizen of the Cherokee Nation; that the allegation that said Willie Vann is a son of Samuel Vann is denied by said Samuel Vann, and it is considered by this office that following the rulings of the Department in the cases of Frankie Grinnett (I.T.D.17902-05) and Sallie Brooks, et al. (I.T.D.17180-06), the

that said Willie Vann is a son of Samuel Vann is denied by said Samuel Vann, and it is considered by this office that following the rulings of the Department in the cases of Frankie Grimmer (I.T.D.17902-05) and Sallie Brooks, et al. (I.T.D.17180-06), the said Willie Vann possesses no right whatever, to enrollment as a descendant of his putative father; that the said Mary Lynch was born since 1866, and is the daughter of one Nancy Ross, and neither claims nor possesses any right to enrollment as a Cherokee freedman other than as such descendant; that the said Nancy Ross was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion she left the Cherokee Nation and did not return thereto and establish an actual personal bona fide residence therein until subsequent to February 11, 1867. The evidence further shows that the minor applicants herein, Arthur and Lucine Lynch are minor children of the said Daniel and Mary Lynch and possess no right to enrollment as Cherokee freedmen not possessed by their said parents.

In view of the foregoing it is considered that no one of the applicants herein possess any right whatever to Cherokee freedman citizenship. Excepting the Kern-Clifton and Wallace rolls none of the applicants can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Jesse Vann, William Vann, Nettie Eaton, Daniel Lynch, Mary Lynch, Arthur Lynch, Lucine Lynch, Jacob Bean, Bertha Bean and Willie Vann are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Pixby

Commissioner

Dated at Muskogee, Indian Territory,
this Feb 23 1907.

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BEFORE THE DEPARTMENT OF THE INTERIOR,
Washington, D.C.

To the Honorable,
The Secretary of the Interior.

In the matter of the application for the enrollment of Jesse Vann, et al., consolidating the applications of:

| | | |
|-----------------------|-------|-------------------------|
| Jesse Vann, et al., | ----- | Cherokee Freedman D-254 |
| Daniel Lynch, et al., | ----- | Cherokee Freedman D-516 |
| Nettie Eaton, et al., | ----- | Cherokee Freedman D-190 |
| William Vann, et al., | ----- | Cherokee Freedman D-609 |

MOTION FOR THE REVIEW OF DECISION.

Come now the above named freedmen, by their attorneys, Blue and Bulger and McGowan and Berven, and move the Honorable Secretary of the Interior to set aside the rejection heretofore had in the above named applications and to reverse the decision of the Commission to the Five Civilized Tribes and to order that the applicants in the above named cases be enrolled as Cherokee Freedmen, for the following reasons, to-wit:

FIRST: That the Commission to the Five Civilized Tribes in passing upon this application misconstrued Section IX of the Treaty of July 19, 1866, in holding that the six months restriction named in said section applies to freedmen when it in fact applies to the free negroes who were in the Cherokee Nation at the commencement of the war of the rebellion.

SECOND: That the decision of the Commission to the Five Civilized Tribes is contrary to law.

THIRD: That the decision of the said Commission to the Five Civilized Tribes denying the said above named Cherokee Freedmen enrollment as Cherokee Freedmen is not sustained by the law.

FOURTH: That the evidence in the matter of the application for the enrollment of the above named applicants as Cherokee Freedmen proved that said applicants were entitled to enrollment.

FIFTH: That the newly discovered and material evidence set out in the affidavits attached hereto show that these applicants should be enrolled as Cherokee Freedmen.

SIXTH: That the decision of the said Commission to the Five Civilized Tribes denying said applicants enrollment as Cherokee Freedmen was in favor of the Cherokee Nation when it should have been for the applicants according to the weight of the evidence and the law of the land.

SEVENTH: That each of the applicants herein made his application for enrollment to the Commission to the Five Civilized Tribes prior to September 1st 1902 and has established the fact by his evidence herein that he was a slave of a Cherokee citizen at the commencement of the war of the rebellion and was liberated as such either by voluntary act of his Cherokee owners or by law, or is a descendant of such slaves, and that he was a resident in good faith in the Cherokee Nation prior to June 28, 1898, and did not prior to September 1st, 1902, forfeit or abjure his Cherokee citizenship by removing out of the Cherokee Nation with his effects to some other state or nation and becoming a citizen thereof.

Reference is hereby made to the testimony taken by the said Commission to the Five Civilized Tribes in the above entitled cases, the affidavits filed herewith and our general brief and argument on the question of the law governing the enrollment of Cherokee Freedmen.

Respectfully,

Blue and Bulger

Service of the above motion accepted and a copy of the same received this 20th day of March, 1905. Copies of the attached affidavits have also been received but by reason of the fact that the Cherokee attorneys object to the consideration of affidavits in these matters, said affidavits

United States of America
Northern Judicial District } ss.
Indian Territory }

Before me,

we, and for said District and Territory came
Simon Lynch of lawful age who being duly
sworn according to law and upon his oath deposes
and says, That I am over 74 years of age and am
a recognized citizen of the Cherokee Nation and came
to the Cherokee Nation from Georgia and I was the
son of Joe Lynch, a recognized Cherokee by blood, and
I lived with Joe Lynch until during the war, and
in 1862, the soldiers of the United States Army took us
to Kansas to Neosho Falls, Kansas, and I made a home
there for four years and a half and came back to the
old home in February 1866 and have resided here
continuously ever since.

I was well acquainted with Peggy Lynch or Indian
Peggy, she could speak Cherokee as well as any
Cherokee but only a little English and I knew her
when she was a young woman long before the war
and long before she had any children, and she was
the slave of Joe Lynch, my master at the beginning
of the war. She was first married to William
or Bill Vain and he was a slave of Old Joe Vain
a recognized citizen by blood of the Cherokee Nation
they had two children who are both alive and are
named Jess Vain and William Vain,

He and his wife Peggy, were separated. sometime before the war.

Then Peggy Lynch next married Stephen Lynch or Stephen Henry, this was just before the war. When the war broke out, Genl. Kitchey with the United States soldiers took me, and Stephen Henry or Stephen Lynch, and his wife Peggy and her two sons Jesse and William Vann, and my wife and all the rest of the slaves on the Old Lynch place in the Cherokee Nation, and took them up north to Kansas.

Stephen Henry Lynch and his wife and these two boys were taken to Lynn County, Kansas.

After the war I had came back to the Cherokee Nation in February 1866. I lived on the Old Lynch farm and Stephen Henry or Lynch came back to the Cherokee Nation long before the time under the treaty expired and picked a place for his home on Grand River about two miles and one half from where I live. He then made himself a farm after he had gone back and brought his wife Peggy and her two sons Jesse and William and their daughter Nettie, and this all took place before January 1867. of this fact I am positive.

They came back to the Old Lynch place where we were all slaves and I know that Stephen Henry or Lynch and his wife lived there until they died and they was buried there in our old grave yard.

After they came from Kansas they had several

children born there Henry and Dan Henry Lynch

Dan Henry Lynch is alive and Henry is dead.
and the Old farm that was made by Stephen Henry
in 1806 is now in the possession and ownership
of his son Daniel Henry Lynch. Stephen Henry
died before his wife. He voted for James Downing
for Chief and I went to the polls and know that
he voted, and they did not challenge his
vote. Peggy and Stephen both died before the
1880 roll was made, and after their death Jesse
Vann raised the family. I do not know what
was the cause that they, the children were not put
on the 1880 ^{roll} just means.

I was at the Bob Daniels court and they
told us to go home saying "You are all right
so go home" and all the freedmen went home,
I talked with Bob Daniels myself. I was born with
him. He said Simeon, what was the reason you came
here. You are all right and so go home and after we
went home and been there a long time. We found
ourselves all wrong.

Simon ^W Lynch
made

Subscribed and sworn to before me on the 3rd day of
September A.D. 1904.

F. M. Smith
My Com Exp May 21st 1905. Notary Public

United States of America
Northern Judicial District }
Indian Territory }

Before me I McSmith A Notary Public
in and for said District and Territory came
George Downing of lawful age who being duly
sworn according to law on oath deposes and
says that I am 55 years and a citizen of the
Cherokee Nation all my life and by birth
and blood. I first became acquainted with
Jesse Vann the first year after the war, and
I was at the Old Lynch place in Saline District,
Cherokee Nation Indian Territory and I have known
him ever since. We are raised together
and live close together about about two and a half
miles. He has been living in the Cherokee
Nation ever since that time and I have never
known him to have moved out of the same.

When I first knew him he was living
there with his step father Stephen Henry and
some times called Lynch. He was owned
by Joe Lynch a Cherokee citizen.

Stephen Henry's wife was the mother of Jesse
and William and of Daniel Henry Lynch
Judy or Julia Ann and of Nettie Easton,
and they all lived there together.

Jesse Vann's mother was called Peggy Lynch.

"about a mile from the old Lynch farm, half mile below Saline"

United States of America,
Northern Indian District }
Indian Territory }
Before me

in and for said District and Territory appeared for me Vann of lawful age who being duly sworn on his oath deposes and says, That I am about 50 years of age and am a Cherokee freedman.

I was the slave of Joe Lynch a recognized Cherokee citizen and I was born in the Cherokee Nation, Indian Territory, in Saline District. My father Bill Vann, was a slave of Joe Vann, a recognized Cherokee citizen and my mother was named Peggy Lynch or Indian Peggy and who was the slave of Joe Lynch.

I was taken to Kansas during the war with my mother and step father Stephen Henry Lynch, who was a slave of Joe Lynch.

My father Bill or William Vann died in the Cherokee Nation Coconawocowee District in September or October 1902, and I believe that he was on the authenticated roll Cherokee roll of 1880 and my brother George Vann is on the authenticated roll of 1880.

My step father Stephen Henry Lynch and my mother Peggy Lynch came to the Cherokee Nation in the fall of 1866 and Crab alias Anderson Lynch brought us back on his wagon and they brought me and my brother William Vann and my sister Vina Lynch (now dead) and my sister Julia Lynch (now dead) and my sister Kettie Lynch and there was along with us Squire Adair and Bell Agency, a Cherokee by blood.

We settled on the Lynch prairie, near old Masters farm and we raised a crop of corn of about 10 or 12 acres in field on Grand River and known as the Baumgartner farm about a mile from the old Lynch farm, half mile below Selma.

first, My mother died in the Cherokee Nation in
Saline District about 20 years ago.

I have lived in the Cherokee Nation ever since
and I have always voted at all Cherokee elections,
without being challenged. I was a witness before the
Cherokee Court. I was arrested about 20 years ago
by the United States Deputy Marshall L. W. Marks for
assault and attempt to kill Josh Vann, and was taken to
St. Smith Court and was discharged because I was a
citizen of the Cherokee Nation. Judge Parker decided
that the United States Court had no jurisdiction over me.

Watt West had me arrested by U.S. Deputy Marshall
Frank Cox for larceny of some posts and I was taken to
Mustiga Court before Judge Shackelford and was discharged
because I was proven to be a citizen of the Cherokee Nation.

My children always went to the Cherokee Freedmen schools
as all the other Cherokee Freedmen children.

I recollect surgeon Emerson in Limb County, Kansas,
who had read in the papers about the Cherokee treaty giving
the late slaves of the Cherokees rights in the Cherokee Nation
and he advised my step father Stephen Henry Lynch to
move to the Nation and secure a home and his advice
was followed that same fall that the treaty was made.

I also drew the Life ~~money~~ payment.

Yours &c warm

Subscribed and sworn to before me on this 23rd day of
July A.D. 1904 Geo. E. McCulloch
Vinita, I. T.

United States of America
Northern District of Ga.
Indian Territory.

Before me Frank L. Burchette Notary Public
came in and for said District and Territory appeared
Anderson Lynch of lawful age who being duly
sworn deposes and says that I am 66 years
of age and am a recognized citizen of the
Cherokee Nation and was born and raised in
said Nation and never belonged to any other
nation or government and I served during
the war in the United States Army.

Stephen Henry Lynch went before the
Bob Daniels Court at Tahlequah to have
his rights as a Cherokee citizen established
and proved. They and about a hundred
or more colored citizens were summoned
and they brought their witnesses and were
ready for trial.

Bob Daniels was the Chief Justice of the
Supreme Court of the Cherokee Nation.

He told these persons and their witnesses
to go home that his court had so
much business that they could not
attend to them at that time but that
he would notify them when to come.

But he never notified them.

Up as I have ever learned

Anderson ^{his} Lynch

Subscribed and sworn to before me on the
16th day of August A.D. 1904

Frank L. Burchette
Notary Public
My com expires July 2/05.

United States of America
Northern Judicial District 200
Cherokee Nation 6

Before me J. M. Smith, Notary Public
in and for said District and Territory came
Elias Downing of lawful age and who
being duly sworn according to law
on his oath deposes and says, That I
am about 61 years of age and am a
Cherokee freedman. I was well acquainted
with William Vann Sr, a slave of Joe Vann
a recognized Cherokee Citizen by blood and
who was the father of Jesse and William Vann,
and the mother of said Jesse and William
Vann was called Indian Peggy or Peggy
Lynch and was the slave of Joe Lynch a
recognized Cherokee Citizen.

They were separated and she afterwards
married Stephen Henry Lynch a slave of
the aforesaid Joe Lynch, and by that
marriage had several children, to wit
Vann, and Julia Ann and Vettie and Judy
and Peggy and Daniel Henry Lynch.

Stephen Henry Lynch and his family
were taken north during the war by
the United States Army in 1862, and
his step sons William and Jesse Vann went

away and this same place is now owned
by Stephen Henry Lynch, Isaac, Dan, Henry Lynch.

with him,

After the war I first saw Stephen Henry Lynch at my father's Ruben Downing home in Delaware District, Cherokee Nation, Indian Territory in September or October 1866, and saw him frequently for two or three months afterwards and it might be longer. I went to Ft Gibson Cherokee Nation and other places and about a year afterwards I saw Stephen Henry Lynch and his family Lynch and his family including Jesse and William Vann his step sons and then I have known them I have been living here ever since and I do not recollect when Stephen Henry Lynch or his wife Peggy died but both died in the Cherokee Nation.

William Vann Sr. father of Jesse and William Vann Jr. have died since the Dawes Commission have been enrolling the freedmen.

William Vann Sr. had some half brothers named Dennis Vann now living and recognized Cherokee freedman and George Vann is living and was the Captain in the Horse Creek fight and Lillard Vann and Ellis Vann.

When I saw Stephen Henry Lynch and

his family and his step sons Jesse and William Tamm
Jr, after Leame built from my trip south, it was
in a home below Island Ford on Grand River in
Saline District Cherokee Nation Indian Territory
on the east side of the river and the home
still belongs to Daniel Henry Lynch, his
youngest boy.

The improvements are about worth
eight hundred dollars when I last
saw it, which has been several years
since I have been on the place.

Elias Downing ^{has}
Subscribed and sworn to before
me this 4th day of August 1904
F. M. Smith
My Com. Exp. May 21st 1908. Notary Public

... family and this same place is now owned
by Daniel Henry Lynch, son of Henry Lynch.

United States of America
Northern District
Indian Territory } 20

Before me James L. Brownthal a notary public
in and for said District and Territory came Anderson
Lynch of lawful age who being duly sworn deposes
and says that I am 66 years of age and am a
recognized citizen of the Cherokee Nation and have
been here ever since I was born excepting when
I was in the United States Army and when the same
Army took me out of the nation.

I knew William or Bell Vann ever since I can
recollect and he was the slave of ^{Joe Lynch} a recognized
citizen of the Cherokee Nation. He married Peggy Vann
or Indian Peggy a slave of Joe Lynch and they
had two children Jesse Vann and William Vann
now alive. Peggy Vann alias Indian Peggy
next married Stephen Henry Lynch, who was a slave
of old Joe Lynch a recognized citizen of the Cherokee
Nation and by this ~~second~~ marriage had the
following children Dan Henry Lynch, Nettie
who was married to Eaton and Lucy Lynch who
was married to Jesse Rowe and Julia Bessie
Lynch and Judy Lynch.

After the war I first saw Stephen Henry Lynch
in the Cherokee Nation Indian Territory at my house
on the old Lynch farm, in Indian Territory in the
fall of 1866. He staid with me for six weeks
and he bought a place from Simon Lynch for
the purpose of moving on to same with himself
and family and this same place is now owned
by Stephen Henry Lynch, son of Stephen Henry Lynch.

Jerse Vernon

After he had bought this place he went to
Mound City, Kansas and afterwards
went up there to move him down as
we had agreed and when I got there
I found that he had hired a white man
and that the goods was in the white man's
waggon but then we put them into
my waggon and we moved the whole
family down to the Cherokee Station
Indian Territory. This was in the early part of
the fall or the winter of 1866, before Christmas,
and he staid with me until he got his house
fixed when he moved into it with his family.

He and his brother Bill ^{Peppin} settled part
of the old Lynch place and farmed it for
the next year. He Stephen Henry Lynch
lived from that time on until ~~his death~~
~~his death in the Cherokee Station~~

His children went to the Cherokee Freedmen
schools which was under the authority of
the Cherokee National Council and officers
Prior to purchase of the place from James Lynch. He had picked
another place which George Sanger took from him. It was done
by force and not by law suit,

Ciribron ^{his} Lynch

Subscribed & sworn to before me

Notary Public

my comm expires July 12 1870

United States of America
Western Judicial District
Cherokee Nation } OS.
Indian Territory

Before me **William B. Rogers**, a Notary Public
in and for said District and Territory arrive
under this official seal who being duly sworn
deposes and says. That I am 68 or 69 years
of age and am a recognized citizen of the
Cherokee Nation. During the war of the
rebellion the United States Army took me
out of the Cherokee Nation to Kansas I could
not help myself. They rounded up the
colored people and took them out to Kansas
and that they ^{told them that they} had better gather up their
things and if they did ~~they would~~ not
they would take them out. This was done
and the colored people had no choice but
had to go. I knew Stephen Henry Lynch
the father of Daniel Henry Lynch, Nithe, Judy
and Lucy ^{Lynch} and he was the slave of Joe Lynch
a recognized Cherokee citizen and his
married to Indian Peggy or Peggy Vann, who
belonged to fish an Indian named Big Bear
a full blood Cherokee citizen and then
belonged to Joe Lynch a recognized citizen
and his first name was
he had two children Jim Vann and
William Vann, both of whom are alive
and their father was named William Vann
a slave of Kette Williams alive Vann
a recognized citizen of the Cherokee Nation

240254

F. D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 190.

Given under my hand this
day of A. D. 190.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of , 190.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190.

Subscribed and sworn to before me
this

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 2 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Jesse Vann
for enrollment as Cherokee Freedmen:
Case No. F. D. 254

To Jesse Vann, Spavinaw, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Wagon Mound, Indian Territory, on Oct. 4th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 23 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

1

54

COMMISSIONERS:
HENRY L. DAVIS,
TAMM STANT,
THOMAS B. HUNTER,
C. A. BRIGHTWELL.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Amshoye 23 Jan 20/02

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Jane Vane for enrollment as
Freedman of the Cherokee Nation.

No. XO 254.

Louis J. Brown
agt. for applicant

111111

10 1902

F. D. _____

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on _____

by delivering a true copy thereof on the
_____ day of _____ A. D. 190

Given under my hand this _____
day of _____ A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

_____ day of _____, 190

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to _____

_____ day of _____ A. D. 190

Subscribed and sworn to before me
this _____

Notary Public.

NOTICE!

IN THE MATTER OF the application of Jesse Vann
for enrollment as Cherokee Freedmen:
Case No. D. 254
To Jesse Vann or L. E. Brown, Agent:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on April 19, 1902, at **8 o'clock A. M.** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 19, 1902.

L. B. Bell

W. W. Hastings
Jess Davenport
Attorneys for the Cherokee Nation.

COPY.

Cherokee Freedmen
D-254, &c.

Muskogee, Indian Territory, July 17, 1903.

W. V. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Jesse Vann, et al., granting the application for the enrollment of Hannah and Annie Vann, and rejecting the application for the enrollment of Jesse, Frank, Riley, Lovat and William Vann, Nettie Eaton, and Daniel, Mary, Arthur and Lucine Lynch, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. H-41.

Copy

Cherokee Freedmen
D-214

Muskogee, Indian Territory, August 24, 1903.

Jesse Vann,

Spavinaw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your three minor children, Frank, Riley and Lovat Vann, as Cherokee freedmen. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings had in the original application and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

F. B. Nequatewa

Enc. D-123
Register.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-254-190

Muskogee, Indian Territory, August 24, 1903.

Louis T. Brown,
Agent for Jesse Vann et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplemental proceedings had in the case of Jesse Vann et al., and Nettie Eaton, together with a copy of the Commission's decision dated July 10, 1903, rejecting, among others, the application for the enrollment of Jesse, Frank, Riley and Lovat Vann and Nettie Eaton, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-126
Register.

Commissioner in Charge.

COPY

Cherokee Freedmen D-
254-309-316-190

Muskogee, Indian Territory, August 24, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Josse Vann et al., including the Commission's decision dated July 10, 1903, granting the application for the enrollment of Hannah and Annie Vann, and rejecting the applications for the enrollment of Jesse, Frank, Wiley, Lovat and William Vann, Nettie Eaton and Daniel, Mary, Arthur and Lucine Lynch as Cherokee freedmen.

Respectfully,

T. D. Needles.

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-128

C O P Y.

LAND
55266/1903
66281/1903.

Department of the Interior,
Office of Indian Affairs,
Washington, March 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated August 24, 1903, transmitting the record relative to the application of Jesse Vann et al., for enrollment as Cherokee freedmen.

Jesse Vann applied for the enrollment of himself and his minor children, Frank, Riley and Lovat Vann. William Vann applied for the enrollment of himself, his wife, Hannah Vann, and their minor child, Annie Vann. Tom Eaton applied for the enrollment of his wife, Hettie Eaton and others. Daniel Lynch applied for the enrollment of himself, his wife, Mary Lynch, and their children, Arthur and Lucine Lynch.

The Commission says that as the other parties applied for by Tom Eaton, are differently classed, they were not included in their decision. July 10, 1903, the Commission held that Hannah and Annie Vann were entitled to enrollment and that Jesse, Frank, Riley, Lovat and William Vann and Hettie Eaton and Daniel, Mary, Arthur and Lucine Lynch were not entitled to enrollment.

William, Hannah and Jesse Vann, the record shows, were

slaves of Cherokee citizens at the commencement of the war and that they were taken out of the Cherokee Nation during the war. Nettie Eaton, Daniel Lynch and their children, were born since the commencement of the rebellion and are descendants of Steve and Peggy Lynch. Steve and Peggy Lynch were the parents of William and Jesse Vann.

The record shows that Hannah Vann returned to the Cherokee Nation within the time limit fixed by the treaty of 1866. Hannah Vann is the daughter of George Johnson, who belonged to Stand Watie, a citizen of the Cherokee Nation. The record shows that William and Jesse Vann or their parents did not return to the Cherokee Nation within the time limit fixed by the treaty of 1866, and the approval of the Commission's decision favorable to Hannah and Annie Vann and unfavorable to William; Jesse, Frank, Riley and Levat Vann, and Nettie Eaton, and Daniel, Mary, Arthur and Lucine Lynch, is recommended.

There is also enclosed a communication from Louis T. Brown, of Vinita, Indian Territory, dated September 29, 1903, which was received with Department letter of October 14th last, (I.T.D. 8687), in which he requested that he be allowed twenty days "to complete appeal" in this case.

Very respectfully,

A.C. Foster

Acting Commissioner.

GAW-H.

D. C. 15426-1904.

JP FHE LRS

DEPARTMENT OF THE INTERIOR,

ITD 2412-1904.

WASHINGTON.

May 11, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 17, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application for the enrollment as Cherokee freedmen of Jesse, Frank, Riley, Lovat, William, Hannah and Annie Vann; of Tom Eaton and Nettie Eaton, and of Daniel, Mary, Arthur and Lucine Lynch, and recommended that your decision of July 10, 1903, in favor of Hannah and Annie Vann, and adverse to all the other applicants except Tom Eaton, who is otherwise classified by you, and in regard to whom no decision was rendered, be affirmed.

The Department finds no reason to disturb your decision, and it is hereby concurred in.

As William Vann and Nettie Eaton are married to recognized Cherokee freedmen, you will proceed to determine their rights, if any as intermarried Cherokees. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-309 et al.

Muskogee, Indian Territory, May 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of William Vann et al., granting the application for the enrollment of Hannah and Annie Vann and rejecting the applications for the enrollment of William, Jesse, Frank, Riley and Lovat Vann, Hettie Eaton, Daniel, Mary, Arthur and Lucine Lynch as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 11, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-254 & D-190.

Muskogee, Indian Territory, May 19, 1904.

Louis T. Brown,
Agent for Jesse Vann et al.,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, the applications for the enrollment of Jesse, Frank, Riley and Lovat Vann and Nettie Eaton as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 11, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-254.

Muskogee, Indian Territory, May 19, 1904.

Jesse Vann,

Spavinaw, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your three minor children, Frank, Riley and Lovat Vann, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 11, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-309.

Muskogee, Indian Territory, May 13, 1905.

William Vann,

Lenapeh, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the supplemental decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, reflecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-158
Register

Chairman.

Cherokee Freedmen

D 190.

Muskogee, Indian Territory, May 13, 1905.

Nettie Eaton,

Spavinaw, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the supplemental decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-157
Register

Chairman.

Cherokee Freedman

D 190.

Muskogee, Indian Territory, May 13, 1905.

Louis T. Brown,

Attorney for Nettie Eaton,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the supplemental decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, the application for the enrollment of Nettie Eaton as a Cherokee citizen by intermarriage. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-161
Register

Chairman.

Cherokee Freedmen

D. 190, et al.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the supplemental decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications for the enrollment of Nettie Eaton, et al., as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 3-159

Chairman.

J. J. BULGER
ATTORNEY-AT-LAW
VINITA, IND. TER.

Vinita I. T. November 20th 1906.

The Honorable,
The Secretary of the Interior,
Washington.

Sir:

There is inclosed herewith motion to review the Cherokee Freedmen Enrollment case of Jesse Yarn et al F. D. 254 to which is attached affidavits in support of same. The affidavits corroborate the testimony introduced by the applicants.

Charles Smith, a Cherokee, has filed suit in forcible entry and unlawful detainer against Grant Alexander tenant of Daniel Lynch and has tied up his crops and left him without means and he has no property now that he can sell or pledge to get money to pay the enormous expenses of taking witnesses before the Dawes Commission and he has gone into the neighborhood of where his home is and picked out a number of the old residents and took their affidavits and attach them to the motion inclosed.

Respectfully,

J. J. Bulger
Attorney for Applicants

D.C. 56938-1905

(C O P Y)

I.T.D. 16634-1905

DEPARTMENT OF THE INTERIOR

Y.P.
FHE

WASHINGTON.

December 19, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered the motion for review of its decision of May 11, 1905, in the Cherokee freedman case of Jesse Vann, et al., filed by J. J. Bulger, with letter of November 20, 1905.

Attached to the motion are a number of affidavits, copies of which were not, apparently, served upon the attorneys for the Cherokee Nation. Such affidavits will not be considered by the Department upon motions for review. As a basis for motions for rehearing such affidavits will receive consideration if copies are served upon the attorneys for the nation.

It is sought by this motion to show that Stephen Lynch, the father of Jesse Vann, and with whom Jesse Vann and most of the principal applicants claim to have returned to the Cherokee Nation from Kansas, returned within the time specified in the treaty of 1866.

From the record in the case it appears that on June 8, 1871, a decision was rendered by the Supreme Court of the Cherokee Nation against Stephen Lynch and family, as Cherokee freedmen,

holding that they did not return within the time required.

October 5, 1905, the Department approved an opinion of the Assistant Attorney General in the case of Harry Still, in which it was held that judgments of the Cherokee Court should be "followed unless it appears that fraud was practiced upon the court, or that the evidence then before the court, and that now available before the Commission show that the conclusion of the court upon the case, for fraud or lack of evidence then available, was clearly wrong."

In that case the decision of the court was favorable to Harry Still. It was also stated in said opinion that

"The determination of those questions by the court favorable to the applicant when comparatively near the events respecting which it inquired, should not be overturned or disregarded at this later time, unless shown to be vitiated by fraud or clear evidence that it was erroneous."

There has been no allegation of fraud in the procurement of the decision of June 8, 1871, in the Lynch case, and the evidence properly before the Department does not by any means show that it was erroneous. The motion is accordingly hereby denied. You will so advise the attorney for the applicants.

The affidavits filed by Mr. Bulger are inclosed to be returned to him.

Respectfully,

(SIGNED) THOMAS RYAN

First Assistant Secretary.

6 inclosures.

Cherokee
F R 302

Muskogee, Indian Territory, January 15, 1906.

J. J. Bulger,

Attorney for Jesse Vann, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of December 19, 1905, in which the motion filed by you on November 20, 1905, for review of Departmental decision of May 11, 1905, in the Cherokee freedman case of Jesse Vann, et al., is denied.

For your information there is inclosed herewith a copy of said letter. There is also inclosed herewith the motion filed by you together with affidavit attached thereto signed by Jesse Vann and Daniel Henry Lynch.

Respectfully,

Incl. OL-15.
GHL

Commissioner.

Cherokee
F R 302

Muskogee, Indian Territory, January 18, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith for your information a copy of Departmental letter of December 19, 1905, in which the motion filed by J. J. Bulger for review of Departmental decision of May 11, 1905, in the Cherokee freedman enrollment case of Jesse Vann, et al., is denied.

Respectfully,

Incl. GL-16.
GHL

Commissioner.

Cherokee
F R 302

Muskogee, Indian Territory, January 15, 1906.

Jesse Vann,

Spavinaw, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of December 19, 1905, in which the motion filed by your attorney, J. J. Bulger, Vinita, Indian Territory, for a review of Departmental decision of May 11, 1905, in the matter of the application for the enrollment of yourself et al., as Cherokee freedmen, is denied.

Respectfully,

Commissioner.

GHL

Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LJB

D.C.3552-1906
I.T.D.2412-1904,
8349,8411,
8423,8547,
8736-1905.

January 24, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 19, 1905, in letter to you the Department denied a motion for review filed by J. J. Bulger in the consolidated Cherokee freedman case of Jesse Vann et al., William Vann et al., Tom Baton et al., and Daniel Lynch et al.

A motion for review of the decision of the Commission to the Five Civilized Tribes in this case filed September 7, 1905, by Blue & Bulger and McGowan, Serven & Mohun, the latter of this city, presents no question of fact or law not heretofore considered, and is therefore hereby denied, and it and the papers attached thereto have been sent to the Indian Office to be filed with the papers in the case. The local attorneys will be advised of this action by the Indian Office.

At the same time the latter mentioned motion was filed, said attorneys filed separate "motions for review of decision" "in the matter of the application of Nettie Baton, William Vann et al., Jesse Vann et al., and Daniel Lynch et al."

All of these motions were before the Assistant Attorney-General at the time of his opinion of January 10, 1906, copy of which was sent you January 15, 1906.

As the date of decision complained of, wherever made, is not given, and as the Department is furnished by said attorneys with nothing more to identify the case than the name of the principal applicant in each case, the Department has been unable to identify such cases, unless all of these motions have reference to the first case herein mentioned, Jesse Vann et al. To add to the confusion caused by the imperfections in said motions, there is found on a list of persons in whose interest motions for review were made (311 motions) filed by said attorneys, "William Vann" and "Jesse Vann et al." both in two separate places.

You will advise said attorneys, Blue & Bulger, that unless sufficient data is furnished the Department within 30 days from notice to enable it to identify the cases of Nettie Eaton, William Vann, Jesse Vann et al., and Daniel Lynch et al., the motions will be dismissed.

Respectfully,

(Signed) Thos Ryan.

First Assistant Secretary.

COPY

Muskogee, Indian Territory, February 1, 1906.

Blue & Bulger,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of January 24, 1906, in which the motion filed on September 7, 1905, by you, and McGoan, Serven & Mohun, of Washington, D. C., for review of the decision of the Commission to the Five Civilized Tribes in the Cherokee freedmen consolidated cases of Jesse Vann, et al., is denied by the Department for the reason that the same presents no question of fact or law not heretofore considered.

The Department advises that on the same date, September 7, 1905, you and the above attorneys filed separate "motions for review of decision" "in the matter of the application of Nettie Eaton, William Vann, et al., Jesse Vann, et al., and Daniel Lynch, et al." The Department states that as the date of the decision complained of is not given, and as the Department is furnished with nothing more to identify the cases than the name of the principal applicant in each case, it is unable to identify such cases, and that to add to the confusion caused by the imperfections in said motions, there is found in the list of persons in whose in-

terest motions for review were filed (311 motions) by you and the above attorneys, which motions were before the Assistant Attorney General for the Interior Department at the time of his opinion thereon of January 10, 1906, "William Vann" and "Jesse Vann, et al.," both in two separate places. This office is instructed to advise you "that unless sufficient data is furnished the Department within thirty days from notice to enable it to identify the cases of Nettie Eaton, William Vann, Jesse Vann, et al., and Daniel Lynch, et al., the motions will be dismissed."

You are, therefore, hereby notified that you will be allowed thirty days from date hereof within which to file with this office, for transmission to the Department, such data as will enable the Department to identify upon its records the cases in which said motions are intended to be filed, and, if possible, the dates of the decision of the Commission to the Five Civilized Tribes in each case, the number of the case, and the dates of Departmental action therein."

For your information, there is inclosed herewith a copy of Departmental Letter referred to, and also a copy of the opinion of the Assistant Attorney General for the Interior Department, dated January 10, 1906, herein referred to.

Respectfully,

Incl. S-110

Acting Commissioner.

Muskogee, Indian Territory, February 2, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

For your information there is inclosed herewith a copy of Departmental letter of January 24, 1906, in which the motion filed on September 7, 1905, by Messrs. Blue & Bulger, and McGowan, Serren & Mohun for review of the decision of the Commission to the Five Civilized Tribes in the Cherokee freedmen enrollment case of Jesse Vann, et al., Freedmen R-302, et al. (F. D. 254, et al), is denied.

Respectfully,

Incl. 3-1

Acting Commissioner.

D. C. 6950-1906.
I.T.D.1869-1906.

Y. P.
LLB

LRS.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 17, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to departmental letter of January 24, 1906, you
are advised that a motion for rehearing has been filed in the
Cherokee freedman case of Jesse Vann et al.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Cherokee Freedmen

D-393.

Muskogee, Indian Territory, March 3, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated March 3, 1906, rejecting the applications for the enrollment of Jacob and Bertha Bean and Willie Vann as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Incl. S-12

Acting Commissioner.

Cherokee Freedmen

D-393.

Muskogee, Indian Territory, March 3, 1906.

Jacob Bean,

Vinita, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated March 3, 1906, rejecting the applications for the enrollment of yourself and child, Bertha Bean, and grandchild, Willie Vahn, as Cherokee freedmen. Your attorney, J. J. Bulger, Vinita, Indian Territory, has heretofore been furnished a copy of the record of proceedings had in this case, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Incl. 3-10

Register

Acting Commissioner.

Cherokee Freedmen

D-393.

Muskogee, Indian Territory, March 3, 1906.

J. J. Bulger,

Attorney for Jacob Bean, et al.,

Vinita, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated March 3, 1906, rejecting the applications for the enrollment of Jacob and Bertha Bean and Willie Vann as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Incl. 8-11

Acting Commissioner.

Muskogee, Indian Territory, March 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In letter to this office of January 24, 1906 (I.T.D. 2412-1904, 8342, 8411, 8423, 8547, 8735-1905), the Department, referring to its letter of December 19, 1905 (I.T.D. 16634-1905), denying the motion for review filed by J. J. Bulger in the consolidated Cherokee freedman case of Jesse Vann, et al., William Vann, et al., Tom Katon, et al., and Daniel Lynch, et al., advises that a motion for review of the decision of the Commission to the Five Civilized Tribes in said case, filed September 7, 1905, by Blue & Bulger, and McGowan, Serven & Mohun, presents no question of fact or law not theretofore considered, and the motion is denied.

The Department also advises that at the same time the motion was filed on September 7, 1905, said attorneys filed separate motions for review in the matter of the application of Nettie Katon, William Vann, et al., Jesse Vann, et al., and Daniel Lynch, et al. The Department states that all of these motions were before the Assistant Attorney-General at the time of his opinion of January 10, 1906, and that the date of the decision

complained of is not given, and as the Department is furnished with nothing more to identify the case than the name of the principal applicant in each case, it has been unable to identify each case "unless all of these motions have reference to the first case herein mentioned, Jesse Vann, et al."

The Department further states that to add to the confusion caused by the imperfections in said motions "there is found on a list of persons in whose interest motions for review were made (All motions) filed by said attorneys, 'William Vann' and Jesse Vann, et al.,' both in two separate places".

This office was directed to advise Blue & Bulger that unless sufficient data is furnished the Department within thirty days from notice to enable it to identify the cases of Nettie Eaton, William Vann, Jesse Vann, et al., and Daniel Lynch, et al., the motions would be dismissed.

On February 1, 1906, Blue & Bulger were furnished a copy of Departmental letter of January 24, 1906, and in accordance with the Department's instructions, notified that:

"you will be allowed thirty days from date hereof within which to file with this office, for transmission to the Department, such data as will enable the Department to identify upon its records the cases in which said motions are intended to be filed, and, if possible, the dates of the decision of the Commission to the Five Civilized Tribes in each case, the number of the case, and the dates of Departmental action therein."

You are advised that no response has been made by Blue & Bulger to this office letter.

Reference is made to Departmental letter of February 17, 1906 (I.T.D. 1869-1906), "Referring to Departmental letter of January 24, 1906, you are advised that a motion for rehearing has been filed in the Cherokee freedman case of Jesse Vann, et al."

Respectfully,

LS

Acting Commissioner.

Through the

Commissioner of Indian Affairs.

Muskogee, Indian Territory, April 13, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is inclosed herewith "reply of Cherokee Nation to motion for a new trial" in the Cherokee Freedmen enrollment cases of Jesse Vann, et al. The records of this office show that no motion for a rehearing in these cases has been forwarded to the Department through it.

The decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the applicants embraced in the Cherokee Freedmen consolidated cases of Jesse Vann, et al. (F. D-244, et al.), was affirmed by the Department on May 11, 1904 (I.T.D. 2412-1904).

On December 19, 1905 (I.T.D. 18634-1905), the Department denied a motion filed by J. J. Bulger to reopen these cases, and on January 24, 1906 (I.T.D. 2412-1904, 8349, 8411, 8423, 8347, 8738-1905), the Department denied a motion for review in these cases filed September 7, 1905, by Hine & Bulger and McGowan, Serven & Mahum. In the Department's latter letter it advised

that at the same time the motion for review was filed said attorneys filed separate "motions for review of decision," and directed this office to advise Blue & Bulger that unless sufficient data was furnished the Department within thirty days from notice to enable it to identify the cases the motion would be dismissed.

On February 17, 1906 (I.T.D. 1869-1906), the Department, referring to its letter of January 24, 1906, advised that a motion for rehearing had been filed in the Cherokee freedmen case of Jesse Vann, et al.

Respectfully,

Incl. 6-41

Acting Commissioner.

Through the

Commissioner of Indian Affairs.

(C O P Y)

D.C.
14069-1906

DEPARTMENT OF THE INTERIOR

Y.P.
FHE

I.T.D. 2412-1904
4664-1905
1869, 4894-1906
5246-"

WASHINGTON.

April 14, 1906

L R S.

The Commissioner to the five civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered a motion for rehearing in the Cherokee freedman case of Jesse Vann, et al., William Vann, et al., Nettie Eaton, and Daniel Lynch, et al., in which the Department on May 11, 1904, affirmed the decision of the commission to the five civilized Tribes adverse to the claimants except Hannah and Annie Vann.

The showing made is sufficient to warrant a rehearing. Said decision of May 11, 1904, is accordingly rescinded, except as to Hannah and Annie Vann, and you are authorized to have a rehearing in due time, and to readjudicate the case as to the other applicants.

This action disposes of motions for review in the cases of Jesse Vann et al., William Vann, et al., Nettie Eaton, and Daniel Lynch, et al., filed September 7, 1905, of which you were advised January 15 and 24, 1906.

There are inclosed the testimony originally taken (two sets of papers), the motions for review and papers attached thereto, filed in the Department September 7 and November 22, 1905, and the motion for rehearing mentioned and papers attached thereto.

Respectfully,

(Signed) THOS RYAN
First Assistant Secretary

Through the Commissioner
of Indian Affairs. See
letter of March 23, 1906.

6 inclosures.

Muskogee, Indian Territory, April 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of April 14, 1906 (I.T.D. 2412-1904, 4664-1905, 1869, 4894, 5246-1904), stating that the Department has considered a motion for rehearing in the Cherokee freedman case of Jesus Vann, et al., William Vann, et al., Nettie Eaton, and Daniel Lynch, et al., in which the Department on May 11, 1904, affirmed the decision of the Commission to the Five Civilized Tribes adverse to the claimants except Hannah and Annie Vann. The Department considers the showing made sufficient to warrant a rehearing, and rescinds its said decision except as to Hannah and Annie Vann, and remands the case to this office for rehearing and readjudication. The Department further states that this action disposes of a motion for review in this case filed September 7, 1905, of which this office was advised January 18 and 24, 1906.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting the application for the enrollment of Hannah and Annie Vann, and rejecting the applications for the enrollment of

Secretary--2.

Jesse, Frank, Riley, Lovat, and William Vann, Nettie Eaton, and Daniel, Mary, Arthur, and Lucine Lynch, as Cherokee freedmen, was on May 11, 1904 (I.T.D. 2412-1904), duly affirmed by the Department.

The Department on December 19, 1903 (I.T.D. 16634-1903), advised this office that it had considered a motion for review in these cases filed by J. J. Mulger with letter of November 20, 1903, and that there were attached to the motion a number of affidavits, copies of which did not appear to have been served upon the Attorneys for the Cherokee Nation; that said affidavits would not be considered by the Department upon motion for review, and that as a basis for a motion for rehearing such affidavits would receive consideration if copies were served upon the Attorneys for the Cherokee Nation. The Department stated that in that motion it was sought to show that Stephen Lynch, father of Jesse Vann, and with whom Jesse Vann and most of the principal applicants claim to have returned to the Cherokee Nation from Kansas, returned within the time specified in the Treaty of 1866. The Department further stated that the record in the case shows that on June 8, 1871, the Supreme Court of the Cherokee Nation rendered a decision against Stephen Lynch and family as Cherokee freedmen holding that they did not return to the Cherokee Nation within the time required, and referring to the approved opinion of the Assistant Attorney-

Secretary--3.

General of October 8, 1905, the motion was denied for the reason that no allegation of fraud in the procurement of the decision of June 8, 1871, adverse to Lynch, was made, and because the evidence properly before the Department did not show that said decision was erroneous.

The Department in its letter of January 24, 1906 (I.T.D. 2412-1904, 8349, 8411, 8423, 8547, 8738-1905), advised this office that a "motion for review of the decision of the Commission to the Five Civilized Tribes in this case (Jesse Vann, et al., William Vann, et al., Tom Eaton, et al., and Daniel Lynch, et al.), filed September 7, 1905, by Blue & Bulger and McGowan, Serven & Wokun," "presents no question of fact or law not heretofore considered and is therefore hereby denied;" and that on the same date, September 7 1905, said Attorneys filed separate "motions for review of decision" in these cases, and instructed this office to advise Blue & Bulger that they would be allowed thirty days within which to furnish the Department sufficient data to enable it to identify the cases, and on February 17, 1906 (I.T.D. 1869-1906), the Department referring to its letter of January 24, 1906, advised that a motion for rehearing had been filed in the Cherokee freedman case of Jesse Vann, et al.

Secretary--4.

The motion upon which the Department ordered a re-hearing is made by J. J. Bulger and is based upon the ground of "newly discovered" evidence. From a careful reading of the motion it appears that the newly discovered evidence is the testimony of witnesses introduced by the applicants in the Cherokee freedman enrollment case of Bertha Bean (an applicant in the Cherokee freedman case of Jacob Bean, et al. D 393), before this office on December 7 and 21, 1906, and the manner in which the Supreme Court of the Cherokee Nation conducted its proceedings. The motion is supported by the testimony introduced on behalf of applicants December 7, 1906, in the Bean case, and it is worthy of notice that the testimony introduced before this office on behalf of applicants December 21, 1906, and also on that date on behalf of the Cherokee Nation, is not attached to the motion. It is stated in the motion that the testimony taken on the latter date is not attached, and that "we have not been supplied with a copy of this testimony." The motion is shown to have been sworn to on February 1, 1906, and the records of this office show that on January 10, 1906, a copy of said testimony was forwarded to J. J. Bulger, also attorney in the Bean case, at Vinita, Indian Territory. It is also noted that a great part of the motion is devoted to argument as to why the testimony introduced on behalf of ap-

Secretary--8.

plicants in the Bean case is not at variance with, or broken down by, the testimony introduced in that case on the part of the Cherokee Nation, and to an excuse and accounting for the presence of Stephen Lynch in the State of Kansas, as was testified to by the witnesses introduced by the Nation, during the year 1867.

On March 3, 1906, this office rendered a decision in the Cherokee freedman case of Jacob Bean, et al. (D 393), which case included the applicant, Bertha Bean, and held that Steve (Stephen) Lynch and his wife, Peggie Lynch, deceased, "lived in the State of Kansas continuously from the fall of 1862 to the fall of 1867," and the decision, together with the record of proceedings had in said case, was on that date forwarded to the Department where it is now pending.

It appears that the contention in the Jesse Vann case is the same as in the Bertha Bean case, i. e., as to the date of the return to the Cherokee Nation after the war of Stephen Lynch and family. The notion in the Vann case on which the Department took favorable action is supported, in addition to the testimony taken on December 7, 1905, in the Bean case, by only the affidavits of Simon Lynch and Jackson Davis. Simon Lynch testified at length in the Bean case on December 7, 1905, and the records of this office show that on September 29, 1905, the Commissioner rendered his decision in

Secretary--6.

the Cherokee freedman consolidated case of Jackson Davis et al. (D 453 et al.), holding that Jackson Davis did not return to the Cherokee Nation within the time specified in the Treaty of 1866. The Docket of the Supreme Court of the Cherokee Nation for the year 1871, No. 58, page 35, shows that Jack Davis, immediately following the docket entry of the case of Stephen Henry Lynch and family, was decided against on June 8, 1871. In addition to the testimony of Jackson Davis and the witnesses introduced by him in his case, being very contradictory, it seems clearly established from a combination of circumstances brought out in his case that he did not comply with the terms of said Treaty. The decision of the Commissioner in the Davis case, together with the record of proceedings had therein, was forwarded to the Department on September 30, 1905.

An examination of the different motions for review and rehearing filed in the consolidated cases of Jesse Vann, et al., shows that affidavits by the following persons are filed in support thereof: Millie Frye, Tobias Bean, Eliza Tucker, Andy Frye (2), Columbus McHair, Simon Lynch, Jesse Vann (applicant), Anderson Lynch (2), Elias Downing, and George Downing. Millie Frye, Tobias Bean, Eliza Tucker, Andy Frye, Columbus McHair, Simon Lynch, and Anderson Lynch testified in the Jacob Bean case, supra, and in the cases of Jesse Vann and those consolidated with it Anderson Lynch has testified four times.

Secretary-7.

On December 16, 1904, the Commission to the Five Civilized Tribes rendered its decision in the Cherokee freedman consolidated cases of Elias Downing, et al. (D 240 et al.), in which it held that Elias Downing did not return to the Cherokee Nation within the time specified in the Treaty of 1866. Said decision was on January 7, 1905, forwarded to the Department, and on March 16, 1905 (Land 2824, 10111-1905), the Indian Office in transmitting the decision and record to the Department recommended that the Commission's decision adverse to, among others, said Elias Downing be approved. On March 19, 1905 (I.T.D. 2686, 17886, 8523, 8345-1905), the Department denied three motions for "review" and "rehearing" in the case of Elias Downing and others, and stated that "in view of contemplated legislation the case as to the other claimants (as to whom the Commission's decision was adverse), will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing." No further action has been taken by the Department in the case.

It appears, therefore, that the only witness whose testimony it has been sought to introduce and who has not testified in the Vann or Bean cases, or who has not been denied enrollment by this office and the Commission, is George Downing, a Cherokee citizen "by birth and blood," who is a party to an affidavit filed in support of the motion for review in the Vann case denied by the Department January 21, 1904 (I.T.D. 1001-1904).

Secretary--2.

The affidavit of George Downing is sworn to September 2, 1904, and his age is given in the affidavit as 53 years. The records of this office show that the only George Downing enrolled as a citizen by blood of the Cherokee Nation, or who is an applicant for enrollment as such, who could possibly be the affiant, is George R. Downing, whose name appears upon the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 25064. Said George R. Downing made personal application for enrollment on November 27, 1900, and gave his age at that time as 43 years. The correctness of his statement as to his age is corroborated by his enrollment upon the 1880 Cherokee roll as 21 years, and upon the 1896 roll as 38 years. If the party to the affidavit is identical with this George R. Downing, the facts happening during the year 1866 about which he could testify must have occurred when he was about 9 years of age.

On April 13, 1906, this office transmitted to the Department "reply of Cherokee Nation to motion for a new trial" in the cases of Jesse Vann, et al. There was attached to the Nation's reply a copy of certain testimony taken December 21, 1905, on part of the Nation, in the Bean case. The Nation protested against the motion being granted for the reason that it was not shown that with due diligence the evidence sought to be introduced could not have been secured at the time of the original hearing in the case, and further that the record shows

Secretary--9.

that the motion is without merit. The Department's action on the motion was taken before the Nation's reply reached it.

A rehearing in this case would be very expensive to the claimants, as well as to the Cherokee Nation, and a useless expenditure of a large amount of money by all parties should, if possible, be prevented. It is believed that the motion for rehearing, when considered in connection with the Nation's reply, and the facts herein contained, will be denied by the Department, and all the papers inclosed with the Department's letter of April 14, 1906, are returned herewith, and it is respectfully recommended that the motion be reconsidered.

For the convenience of the Department there is inclosed herewith a copy of the testimony taken December 21, 1906, in the Bean case herein referred to.

Respectfully,

Incl. 01-40.
G U.

Commissioner.

Through the Commissioner
of Indian Affairs.

(COPY)

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
20616-1906.

May 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated March 3, 1906 transmitting the record of the application for enrollment as Cherokee Freedmen by Jacob Bean for himself and his minor child, Bertha Bean; and by Bertha Bean for her illegitimate minor child, Willie Vann,

March 3, 1906, the Commissioner decided adversely to the applicants.

The record shows that Jacob Bean was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he moved to the State of Kansas during the war and did not return to the Cherokee Nation and establish a residence therein on or before February 11, 1867; that the minor applicant, Bertha Bean was born since 1880 and is the daughter of Jacob Bean and his wife Judie Bean, since deceased; that the applicant, Willie Bean, was born since 1896, and is the illegitimate child of the applicant Bertha Bean, and some person unknown; that on June 8, 1871 Jacob Bean and his family were denied the right to Cherokee Freedmen citizenship by the Daniels Court; that neither the applicants nor any ancestor through whom by any possibility

they might obtain Cherokee citizenship can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

In view of the record, the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Karrabee

Acting Commissioner.

MM

C

Cherokee
P. L. 302.

Wakarusa, Indian Territory, July 17, 1904.

Starr & Patten,

Winita, Indian Territory.

Gentlemen:

Referring to your letter of June 26, you are advised that the motion for a rehearing in the Cherokee Freedmen Enrollment case of Jesse Vann, et al., is pending before the Secretary of the Interior at this time. You have been entered as attorneys of record for the applicant and will be advised of any further action taken in this case.

Respectfully,

Commissioner.

JBM

LAW OFFICES
MCGOWAN, SERVEN & MOHUN
GLOVER BUILDING, 1415 F STREET, N.W.
WASHINGTON, D.C.
J. H. MCGOWAN A. R. SERVEN GARRY MOHUN

August 7, 1906.

The Honorable,
The Secretary of the Interior,
Washington, D. C.

Dear Sir:

In regard to the case of Jesse Vann, et al. Cherokee enrollment we would say that the records of your office show that on April 14th this case was sent to the Commissioner to the Five Civilized Tribes for rehearing. Messrs. Starr & Patten, of Vinita, I. T., inform us that they have been watching for this case but it has not yet arrived. Will you kindly report to us whether or not you have received any acknowledgement and what is the situation in regard to the same?

In regard to the Nicey Vann, et al. Cherokee enrollment case we would say that on May 24th last this case was also sent to the Commissioner to the Five Civilized Tribes together with a motion for rehearing. ~~We respectfully request a report~~ on the situation of this case.

Respectfully yours,

J. H. McGowan, A. R. Serven, Garry Mohun

Incl ma 31-7

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LAW OFFICES
MCGOWAN, SERVEN & MOHUN
GLOVER BUILDING, 1415 F STREET, N.W.
WASHINGTON, D.C.
J.M. MCGOWAN A.R. SERVEN BARRY MOHUN

August 7, 1906.

The Honorable,

The Secretary of the Interior,
Washington, D. C.

Dear Sir:

In regard to the case of Jesse Vann, et al. Cherokee enrollment we would say that the records of your office show that on April 14th this case was sent to the Commissioner to the Five Civilized Tribes for rehearing. Messrs. Starr & Patten, of Vinita, I. T., inform us that they have been watching for this case but it has not yet arrived. Will you kindly report to us whether or not you have received any acknowledgement and what is the situation in regard to the same?

In regard to the Nicey Vann, et al. Cherokee enrollment case we would say that on May 24th last this case was also sent to the Commissioner to the Five Civilized Tribes together with a motion for rehearing. ~~We respectfully request a report~~ a report on the situation of this case.

Respectfully yours,

J. M. McGowan, A. R. Serven, Barry Mohun

D. C. 36563

J.W.H.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D. 9166-1906
9855- "

August 23, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a letter dated August 7, 1906 from Messrs. McGowan, Serven & Mohun, relative to the Cherokee freedman cases of Jesse Vann et al. and Nicey Vann et al.

Referring to departmental letters of April 14, 1905 (I.T. D.2412-1904 . . . 5248-1906), and May 24, 1906 (I.T.D.3055, 3117, 7042-1906), you are requested to furnish a report in the matter.

Respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary

Through the Commissioner
of Indian Affairs.

1 inclosure.

Cherokee Freedmen
R 308

Muskogee, Indian Territory, August 30, 1906

Starr and Patton

Attorneys for Frank Vann, et al.,

Vinita, Indian Territory.

Gentlemen:

This office is in receipt, on June 25, 1906, of a motion made by you for a rehearing in the Cherokee freedmen enrollment case of Frank Vann, et al.

Said motion will receive the proper consideration of this office and be transmitted to the Department for action thereon, at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, August 31, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of August 23, 1906 (I.T.D. 9166, 9855-1906), enclosing a letter dated August 7, 1906, from Messrs. McGowan, Serven and Mehun, relative to the Cherokee freedman cases of Jesse Vann, et al, and Nicey Vann, et al. The Department refers to its letters of April 14, 1906 (2412-1904 . . . 5246-1906), and May 24, 1906 (3055, 3117, 7042-1906), and requests a report in the matter.

The attorneys state that the case of Jesse Vann, et al, was sent to this office on April 14 for a rehearing, and that Messrs. Starr and Patten, Vinita, Indian Territory, inform them that they have not been advised of any action taken in the case. They also state that the Cherokee freedman case of Nicey Vann, et al, was sent to this office on May 24, last, with a motion for a rehearing. They request to be advised the status of each case.

In reply you are respectfully advised that this office, on April 23, 1906, requested that the Department reconsider its

Secretary--S.

action of April 14, 1906 (I.T.D. 2412-1904, 4664-1905, 4894, 5246-1906), granting a motion for a rehearing in the Cherokee freedman case of Jesse Vann/ et al, and returned all of the records in the case to the Department. This office has not been advised of any subsequent action taken in said case. Messrs. Starr and Patton, Vinita, Indian Territory, have been informally advised of the Commissioner's action.

A report will be made at an early date on motions for rehearings in the Cherokee freedman cases of Nicoy Vann, et al and Mamie Johnson, which motions were transmitted to this office by the Department May 24, 1906 (I.T.D. 3117, 3055, 7042-1906).

The letter of Messrs. McGowan, Serven and Kohnen, is returned herewith.

Respectfully,

M.A.

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

(COPY)

D.C.45600

Vinita, I.T. September 25th 1906

The Honorable,

The Secretary of the interior

Washington D C

Dear Sir:

On July 2th 1906 (D.C 29336; I T D 17884-1905) the Department remanded for rehearing the Cherokee Freedmen enrollment case of Katie Ridge et al, with which was consolidated the Cherokee Freedmen Enrollment case of Moses Riley et al.

On September 18, 1906 (I T D 15426-1906) the Department by its letter Direct to the Commissioner to the Five Civilized Tribes remanded the Cherokee Freedmen enrollment case of Emma Purtle et al for rehearing and directed that if possible this case be consolidated with the case of Moses Riley et al the said Emma Purtle being a full sister to Moses Riley.

In the Cherokee Freedmen enrollment case of Jesse Vann et al there is included the names of three of the children of Emma Purtle (to wit) Frank Vann, Riley Vann and Lovat Vann. The said Emma Purtle was at one time the wife of Jesse Vann and her children were enrolled by Jesse Vann on his card and since their mothers case has been remanded for rehearing we have the honor to request that the Department make provision for the trial of the case of the three children mentioned at the same time the case of their Mother Emma Purtle is tried.

The testimony in the Jesse Vann et al case taken on May 10 1901 with reference to these three children is as follows:

"Q--What is your name? A--Jesse Vann."

Q--How old are you? A--I claim to be about 50.
 Q--What is your post office address? A Spavinaw I.T
 Q--What District do you live in? A Saline District.
 Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir
 Q Who do you want to have enrolled besides yourself? A My six children and three of my sisters and two brothers.
 Q-- Are your sisters and brothers under age? A No sir.
 Q Well they will have to apply for themselves. A Yes sir, then I will just take the six children.
 Q What are the names of your children? A Three of them are of age
 Q They must apply for themselves. What are the names and ages of those under age A Frank, 19 years of age.
 Q Next? A Riley, 15 years old.
 Q Next? A Loveat, 11 years old
 Q Are you married now? A Yes sir.
 Q--What is your wives name? A Nicey.
 Q Do you want to enroll her? A yes sir.
 Q How old is she? A She is about forty.
 Q You say you want to apply for your wife. A Yes I have been married twice.
 Q Is your present wife a citizen? A Yes sir.
 Q Are you and her parted? A Yes sir.
 Q Is this woman here who has helped you with the ages of your children your present wife? A No sir, it is my first wife.
 Q You are not living with her? A No sir.
 Q Is your present wife here? A No sir.
 Q What is the name of your present wives father? A He died in the Army, I don't know her father.
 Q What is the name of your wives mother A Mary Hight.
 Q Is she a citizen? A Yes sir.
 Q WHO IS THE MOTHER OF THESE CHILDREN FOR WHOM YOU APPLY.
 A EMMA PURTLE IS HER NAME NOW.
 Q Is she a citizen? Yes sir.
 Q What was her name in 1880, 20 years ago? A Emma Vann.
 Q Was she married to you then? A Yes sir."

By reference to the Emma Purtle case it will be observed that two of the children referred to by Jesse Vann are in the consolidated case of Emma Purtle et al and their names are Ellen Bean and Walter Vann and the other older one is in the cases consolidated with the Katie Ridge case, her name being Mollie Townsend and as the case of the mother of Frank, Riley and Loveat Vann stands ready for trial now as well as the cases of their older brother and two older sisters we believe that it is proper to request the Department

to make the case of Frank Riley and Loveat Vann special and remand that portion of the Jesse Vann et al case at the earliest time convenient to the Department with instructions to consolidate the case with the case of Emma Purtle so that great expense might be saved these applicants in the future in the event it became necessary to determine what rights they might have as descendants of Emma Purtle.

The Emma Purtle case now stands ready for trial on the rehearing and for this reason we have the honor to request early action upon the case of her three children herein referred to.

Respectfully,

Starr & Patten

J.C.S.

D.C.45595

(COPY)

J.F.Jr

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE.

I.T.D.12379-1906.

October 12, 1906.

J. P.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to departmental letter of April 14, 1906, returning for rehearing and readjudication the Cherokee freedman cases of Jesse Vann et al, William Vann, et al, Nettie Eaton and Daniel Lynch, there is inclosed herewith a communication from Starr & Patten, of Vinita, Ind. T., requesting that the case of Jesse Vann et al, in so far as it includes Frank, Riley and Loveat Vann, who are alleged to be the children of Emma Purtle, be consolidated with the case of said Emma Purtle and considered therewith.

You are directed to take such action if the allegations of the letter are sustained by the records in the cases and your office finds no valid objection: to such course of procedure.

Respectfully,

Thos. Ryan

Through the Commissioner
of Indian Affairs.

Acting Secretary.

1 inclosure.

(COPY)

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
39595-1906 .
76228-1906.

October 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of Tams Bixby, Commissioner to the Five Civilized Tribes, who acknowledges the receipt of Departmental letter of April 14, 1906 (I.T.D.2412-1904, 4664-1905, 1869 4894 and 5246-1906), saying that the Department has considered a motion for rehearing in the Cherokee freedman case of Jesse Vann, et al., William Vann, et al., Nettie Eaton and Daniel Lynch et al., in which the Department, on May 11, 1904, affirmed the decision of the Commission to the Five Civilized Tribes adverse to the claimants, except Hannah and Annie Vann.

He finds from this letter that the Department considers the showing made sufficient to warrant a rehearing, and rescinds its decision except as to Hannah and Annie Vann, and remands the case to his office for rehearing and readjudication saying that this action disposes of the motion for review

in this case filed September 7, 1905, of which his office was advised on January 18 and 24, 1906.

The Commissioner reports that the records of his office show that the decision of the Commission of July 10, 1903, granting the application for the enrollment of Hannah and Annie Vann and rejecting the applications for the enrollment of Jesse, Frank, Riley, Levatt and William Vann, Nettie Eaton, and Daniel, Mary, Arthur and Lucine Lynch, as Cherokee freedmen, was, on May 11, 1904 (I.T.D. 2412-1904), duly affirmed by the Department.

He further says that the Department, on December 19, 1905 (I.T.D. 16634-1905), advised his office that it would consider a motion for review in these cases filed by J. J. Bulger with letter of November 20, 1905, and that there were attached to the motion a number of affidavits, copies of which did not appear to have been served on the attorneys for the Cherokee Nation; that the affidavits would not be considered by the Department on motion for review and that as a basis for a motion for rehearing such affidavits would receive consideration if copies were served on the attorneys for the Cherokee Nation; that it was further announced that in the motion it was sought to show that Stephen Lynch, father of Jesse Vann, and with whom Jesse Vann and most of the principal applicants claim to have returned to the Cherokee Nation from Kansas, returned within the time specified in the treaty of 1866; that the record in the case shows that on June 8, 1871, the Supreme

Court of the Cherokee Nation rendered a decision against Stephen Lynch and family as Cherokee freedmen, holding that they did not return to the Cherokee Nation within the time required, and referring to the approved opinion of the Assistant Attorney General of October 5, 1905. The motion was denied for the reason that no allegation of fraud in the procurement of the decision of June 8, 1871, adverse to Lynch, was made, and because the evidence properly before the Department did not show that the decision was erroneous.

He further quotes the Department as saying in its letter of January 24, 1906 (I.T.D. 8349, 8411, 8413, 8547, 8738-1905) that the "motion for review of the decision of the Commission to the Five Civilized Tribes in this case (Jesse Vann, et al., William Vann, et al., Tom Eaton, et al., and Daniel Lynch et al.), filed September 7, 1905, by Blue & Bulger and McGowan, Serren & Mohun, . . . presents no question of fact or law not heretofore considered and is therefore denied;" that on the same day, September 7, 1905, the attorneys filed separate "motions for review of decision" in these cases and the Commissioner was instructed to advise Blue & Bulger that they would be allowed 30 days within which to furnish the Department sufficient data to enable it to identify the cases, and on February 17, 1906 (I.T.D. 1869-1906), the Department referring to its letter of January 24, 1906, notified the Commissioner that a motion for rehearing had been filed in the Cherokee freedman case of Jesse Vann, et al.

The Commissioner further says that the motion on which the Department ordered a rehearing is made by J. J. Bulger and is based on the ground of newly discovered evidence; that from a careful reading of the motion it appears that the newly discovered evidence is the testimony of witnesses introduced by the applicants in the Cherokee enrollment case of Bertha Bean (an applicant in the Cherokee freedman case of Jacob Bean et al.) before the Commissioner's office on December 7, and 21, 1905, describing the manner in which the Supreme Court of the Cherokee Nation conducted its proceedings; that the motion is supported by the testimony introduced on behalf of applicants on December 7, 1905, in the Bean case; that it is worthy of notice that the testimony introduced before the Commissioner on behalf of the applicants on December 21, 1905, and also on that date on behalf of the Cherokee Nation, is not attached to the motion, and that it is declared in the motion that the testimony taken on the latter date is not attached, and that "we have not been supplied with a copy of this testimony". The Commissioner finds that the motion is shown to have been sworn to on February 1, 1906, and that the records of his office show that on January 10, 1906, a copy of the testimony was forwarded to J. J. Bulger, also attorney in the Bean case, at Vinita, Indian Territory. The Commissioner further notes that a great part of the motion is devoted to argument as to why the testimony introduced on behalf of the applicants in the Bean case is not at variance with or broken down by the testi-

mony introduced in that case on the part of the Cherokee Nation and to an excuse and accounting for the presence of Stephen Lynch in the State of Kansas, as was testified to by the witnesses introduced by the Nation during the year 1867. Mr. Bixby also says that on March 3, 1906, he rendered a decision in the Cherokee freedman case of Jacob Bean et al., which included the applicant, Bertha Bean, and held that Steve (Stephen) Lynch and his wife, Peggie Lynch, deceased, "lived in the State of Kansas continuously from the fall of 1862 to the fall of 1867;" and the decision, together with the record of proceedings had in the case, was on that date forwarded to the Department where it is now pending.

The Commissioner further finds that the contention in the Jesse Vann case is the same as in the Bertha Bean case, that is, as to the date of the return to the Cherokee Nation after the war of Stephen Lynch and family; that the motion in the Vann case on which the Department took favorable action is supported, in addition to the testimony taken on December 7, 1905 in the Bean case, by only the affidavits of Simon Lynch and Jackson Davis, that Simon Lynch testified at length in the Bean case on December 7, 1905, and the records of the Commissioner's office show that on September 29, 1905, he rendered his decision in the Cherokee freedman consolidated case of Jackson Davis, et al., holding that Jackson Davis did not return to the Cherokee Nation within the time specified in the treaty of 1866; that the docket of the Supreme Court of the

Cherokee Nation for the year 1871 (No. 58, Pg. 35), shows that Jack Davis, immediately following the docket entry of the case of Stephen Henry Lynch and family, was decided against on June 8, 1871; that in addition to the testimony of Jackson Davis and the witnesses introduced by him in this case being very contradictory it is in the judgment of the Commissioner clearly established from the combination of circumstances brought out in his case that he did not comply with the terms of the treaty, and he invites attention to the fact that his decision in the Davis case, together with the record of proceedings had therein was forwarded to the Department on September 20, 1905.

An examination of the different motions for review and rehearing filed in the consolidated cases of Jesse Vann, et al., in the judgment of the commissioner shows that affidavits by the following persons are filed in support thereof: Millie Frye, Tobias Bean, Eliza Tucker, Andy Frye (2) Columbus McNair, Simon Lynch, Jesse Vann (applicant), Anderson Lynch (2), Elias Downing, and George Downing. Millie Frye, Tobias Bean, Eliza Tucker, Andy Frye, Columbus McNair, Simon Lynch, and Anderson Lynch testified in the Jacob Bean case, supra, and in the cases of Jesse Vann and those consolidated with it Anderson Lynch has testified four times.

The Commissioner adds that on December 16, 1904, the Commission to the Five Civilized Tribes rendered its decision in the Cherokee freedman consolidated cases of Elias Downing et al., in which it held that Elias Downing did not

return to the Cherokee Nation within the time specified in the treaty of 1866; that this decision was, on January 7, 1905, forwarded to the Department and on March 16, 1905, this office in transmitting the decision and record to the Department, recommended that the Commission's decision adverse to Elias Downing, be approved; that on March 19, 1906 (I.T.D.2686, 7856, 8523 and 8345-1905), the Department denied three motions for review and rehearing in the case of Elias Downing and others and said that "in view of contemplated legislation the case as to the other claimants (as to whom the Commission's decision was adverse) will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing", and that no further action has been taken by the Department in that case.

It appears to the Commissioner therefore that the only witness whose testimony it has been sought to introduce, and who has not testified in the Vann or Bean cases, or who has been denied enrollment by the Commission or Commissioner, is George Downing, A Cherokee citizen "by birth and blood", who is a party to an affidavit filed in support of the motion for review in the Vann case, denied by the Department on January 24, 1906 (I.T.D.8735-1905); that this affidavit of Downing was sworn to on September 2, 1904, and his age given as 55 years; that the records of the Commissioners office show that the only George Downing enrolled as a citizen by blood of

the Cherokee Nation, or who is an applicant for enrollment as such, who could possibly be the affiant, is George B. Downing, whose name appears on an approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 2566; that this George B. Downing made personal application for enrollment on November 27, 1900, and gave his age at that time as 43 years; that the correctness of his claim as to his age is corroborated by his enrollment on the 1880 Cherokee roll as 21 years and on the 1896 roll as 33 years, and that if the party to the affidavit is identical with this George B. Downing, the facts happening during the year 1866 about which he could testify must have occurred when he was about 9 years of age.

The Commissioner mentions the fact that on April 13, 1906, he transmitted to the Department a "reply of Cherokee Nation to motion for a new trial," in the cases of Jesse Vann, et al.; that there was attached to the Nation's reply a copy of certain testimony taken on December 21, 1905, on the part of the Nation, in the Bean case; that the Nation protested against the motion being granted for the reason that it was not shown that with due diligence the evidence sought to be introduced could not have been produced at the time of the original hearing in the case, and further, that the record shows that the motion is without merit. The Department's motion on the motion was taken before the Nation's reply was received.

Mr. Pixby says that a rehearing in this case would be very expensive to the claimants as well as to the Cherokee

Nation, and that a useless expenditure of a large amount of money by all parties ought, if possible, to be prevented. He believes that the motion for rehearing, when considered in connection with the Nation's reply and the facts set out in his report, will be denied by the Department, and all of the papers enclosed with the Department's letter of April 14, 1906, are returned with the recommendation that the motion be reconsidered.

For the convenience of the Department the Commissioner encloses a copy of the testimony taken on December 21, 1905, in the Bean case, to which reference has been made.

The Jacob Bean case to which the Commissioner refers, was forwarded by the Office to the Department on May 24, 1906.

There is also enclosed a letter, dated August 31, 1906, from William O. Beall, Acting Commissioner to the Five Civilized Tribes, wherein he acknowledges the receipt at the office of the Commissioner of Departmental letter of August 23, 1906 (I.T.D. 9166, 9855-1906), enclosing a letter, dated August 7, 1906, from Messrs. McGowan, Serven & Mohun, relative to Cherokee freedman cases of Jesse Vann, et al. and Nicey Vann, et al., wherein the Department refers to Office letters of April 14, 1906, and May 24, 1906, and requests a report in the matter.

Mr. Beall quotes the attorneys as saying that the case of Jesse Vann, et al. was sent to the Commissioner's

office on April 14, for a rehearing; that Messrs. Starr and Patten, of Vinita, Indian Territory, have informed them that they have not been advised of any action taken in the case, and that they also say that the Cherokee freedman case of Nicey Vann, et al., was sent to the Commissioner's office on May 24th last with a motion for rehearing, and request to be advised the status of each case.

The Acting Commissioner reports that on April 28, 1906, the Commissioner requested that the Department reconsider its action of April 14, 1906 (which letter is now being forwarded), and that a report will be made at an early date on the motions for rehearings in the Cherokee freedman cases of Nicey Vann, et al. and Mamie Johnson, which motions were transmitted to the Commissioner by the Department on May 24, 1906. He returns the letter of McGowan, Serven & Mehun.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

KBH-Y.

Cherokee
Freedman R-302.

Muskogee, Indian Territory, October 20, 1906.

Starr & Patton,

Attorneys for Jesse Vann, et al.,

Vinita, Indian Territory.

Gentlemen:

In reply to your letter of October 15, 1906, you are advised that you have been entered as attorneys of record in the Cherokee Freedmen Case of Jesse Vann and his children.

Respectfully,

MC

Commissioner.

Muskogee, Indian Territory, October 22, 1906

The Honorable,

The Secretary of the Interior:

Sir:

This office is in receipt of Departmental letter of October 12, 1906 (I.T.D. 12379-1906), referring to its letter of April 14, 1906 (I.T.D. 5246-1906), returning for rehearing and readjudication the Cherokee freedman case of Jesse Vann et al., and enclosing a communication from Starr & Patten of Vinita, Indian Territory, requesting that the case of Jesse Vann et al., in so far as it includes Frank, Riley, and Lovat Vann, alleged children of Emma Purtle, be consolidated with the case of said Emma Purtle, which is pending before this office. This office is directed to take such action if the allegations in said letter are sustained by the records in the cases and this office finds no valid objection to such course of procedure.

In reply you are respectfully advised that on April 28, 1906, this office acknowledging receipt of Department's letter of April 14, 1906, granting a motion

Secretary--2

for a rehearing in the Cherokee freedman cases of Jesse Vann, et al., William Vann et al., Nettie Eaton and Daniel Lynch, et al., returned the records in said cases and requested the Department to reconsider its action. This office has not been advised of any subsequent action taken by the Department in those cases. There appears to be no objection to considering the application for the enrollment of Frank, Riley, and Levat Vann with the case of their alleged mother, Emma Purdie, whose case is pending before this office, and unless further advised by the Department, such action will be taken.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

L M B

Cherokee Freedmen
R 302

Muskogee, Indian Territory, October 22, 1906

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

You are advised that in accordance with authority granted in the Department's letter of October 12, 1906, a copy of which is enclosed herewith, the Cherokee freedman case of Frank, Riley, and Lovat Vann, will be consolidated and tried with the Cherokee freedman case of Emma Purtle, et al.

Respectfully,

L M B

Commissioner

Encl. B-3

Cherokee Freedmen
R 302

Muskogee, Indian Territory, October 22, 1906

Starr & Patten,

Attorneys for Frank Vann et al.

Vinita, Indian Territory.

Gentlemen:

You are advised that in accordance with authority granted in the Department's letter of October 12, 1906, a copy of which is enclosed herewith, the Cherokee freedman case of Frank, Riley, and Lovat Vann, will be consolidated and tried with the Cherokee freedman case of Emma Purtle, et al.

Respectfully,

L M B

Commissioner

Encl. B-2

Cherokee Freedmen
R 302

Muskogee, Indian Territory, October 22, 1906

Jesse Vann,

Spavinaw, Indian Territory.

Dear Sir:

You are advised that under authority granted this office by the Secretary of the Interior on October 12, 1906, the Cherokee freedman case of your children, Frank, Riley, and Lovat Vann, will be considered with the case of their alleged mother, Emma Purtle, and their rights to enrollment through her adjudicated. You will be advised of any further action taken in the case.

Respectfully,

L M B

Commissioner

(COPY)

November 1, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,
Muskogee Indian Territory.

Dear Sir:

In the matter of the consolidated Cherokee Freedmen enrollment cases of Moses Riley et al we have the honor to submit the following as the list of witnesses on behalf of the applicants.

- 1----The applicants, in their own behalf.
- 2----Christian Shull, Sugar Grove, Ohio.
- 3----Hiram Spriggs, Matton, Illinois.
- 4----James Manspeaker, Mount Ida, Kansas.
- 5----John W. Campbell, Garnett, Kansas
- 6----Newton Spriggs, Garnett, Kansas
- 7----John S. Johnston, Cawker City, Kansas
- 8----Nelson Wilson, Garnett, Kansas
- 9----Edward Farrah, Cedarvale, Kansas
- 10----J. M. Johnston, Garnett, Kansas
- 11----Sam Gibson, Bronson, Kansas
- 12----Ben Hydorn, Garnett, Kansas
- 13----Ann Martin, Garnett, Kansas
- 14----J. B. Hardesty, Garnett Kansas
- 15----Malinda Gibson, Kansas City Mo.
- 16----Herschel Cloud, Topeka, Kansas.

- 17----Dill Shultz, Peru, Kansas
- 18----John Tyler, Garnett, Kansas
- 19----William Ray, Garnett, Kansas.
- 20----John Shultz, Peru, Kansas.
- 21----Thomas Shultz, Peru, Kansas.
- 22----George A. Campbell, Garnett, Kansas
- 23----J. M. Johnson, Garnett, Kansas
- 24----Amelia Petit or Percival, Ft Gibson or Muskogee I T
- 25----Lucy Lasley, Ft Gibson I T
- 26----Nannie Sheppard, Ft Gibson I T
- 27----Simon Lynch, Chaffe I T
- 28----Daniel Sanders, Centralia I T
- 29----Reuben Sanders, Centralia, I T
- 30----Nelson Moore, Ketchum I T
- 31----Thomas H. Moore, Ketchum I T
- 32----Arthur Bean, Chaffee, I T
- 33----Leander, Bean, Vinita, I T
- 34----Tobias Bean, Chaffee, I T
- 35----Millie Fry, Ketchum I T
- 36----Joseph Bean, Chaffee, I T
- 37----June Martin, Chaffee, I T
- 38----Frank Ross, Hayden, I T
- 39----Sam Butler, Chouteau I T
- 40----Joe Davis, Vinita I T
- 41----George Muskgrove, Lenapah I T
- 42----Becky Muskgrove, Lenapah, I T
- 43----Lester Wagon, Lenapah I T

- 43-----Katie Vann, Lenapah I T
- 44-----Betsy Whitmire, Hayden, I T
- 45-----Eliza Whitmire, Hayden, I T
- 46-----Aaron Wright, Hayden, I T
- 27-----Lewis Whitmire, Hayden, I T
- 28-----William Madden, Hayden, I T
- 49-----Harry Still, Hayden, I T
- 50-----Stiek Ross, Tahlequah, I T
- 51-----Joe Digus Tahlequah I T
- 52-----Moses Dykes, Garnett, Ks.

Respectfully,

Starr & Patten

Refer in reply
to the following:

(Copy)

KBH

Land.
94181-1906.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, November 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of October 22, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, who acknowledges the receipt of Departmental letter of October 12 (I.T.D. 12379-1906), referring to his letter of April 14, 1906 (I.T.D. 5246-1906), returning for rehearing and readjudication the Cherokee freedman case of Jesse Vann, et al., and enclosing a communication from Starr & Patten, of Vinita, requesting that the case of Jesse Vann, et al., in so far as it includes Frank, Riley and Lovat Vann, alleged children of Emma Purtle, be consolidated with the case of Emma Purtle, which is pending before his office, and he was directed to take such action if the allegations in the matter are sustained by the records in the cases, and he finds no valid objections to such a course of procedure.

Mr. Bixby reports that on April 26, 1906, he acknowledged receipt of the Department's letter of April 14, granting a motion for rehearing in the Cherokee freedman

cases of Jesse Vann, et al., William Vann, et al., Nettie Eaton and Daniel Lynch, et al., returned the records and requested the Department to reconsider its action. He has not been advised of any subsequent action taken by the Department in these cases.

He knows of no objection to considering the application for the enrollment of Frank, Riley and Lovat Vann, with the case of their alleged mother, Emma Purdie, whose case is pending before his office, and unless he is further advised by the Department, says that this action will be taken.

The Vann case to which Mr. Bixby refers was forwarded by the Office to the Department on October 17, 1906, with its recommendation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y.

Cherokee Freedmen
D 258 et al.

Muskogee, Indian Territory, November 5, 1906.

Starr & Patten,

Attorneys for Moses Riley, et al.

Vinita, Indian Territory.

Gentlemen:

Referring to your letter of November 1, 1906, submitting a list of the names and addresses of the witnesses you expect to introduce on behalf of applicants in the Cherokee freedmen cases of Moses Riley, et al., you are advised that you will be permitted to appear before the Commissioner in Muskogee, Indian Territory, on December 7, 1906, and introduce the testimony of the witnesses named by you.

The Cherokee Nation will also be permitted to appear on that date and introduce in rebuttal, such testimony as it desires in these cases.

Respectfully,

MMF

Commissioner.

Cherokee Freedmen
D 258 et al.

Muskogee, Indian Territory, November 5, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed a copy of a letter from Starr and Patten, attorneys for applicants in the Cherokee freedmen cases of Moses Riley, et al., dated November 1, 1906, giving a list of the names and addresses of fifty-two witnesses they expect to introduce on behalf of applicants in the Cherokee freedmen cases of Moses Riley, et al.

You are advised that the applicants and their attorneys have this day been notified that they will be permitted to appear before the Commissioner to the Five Civilized Tribes on December 7, 1906, and introduce, on behalf of applicants, the testimony of the witnesses whose names and addresses they submitted.

The Cherokee nation will also be permitted to appear on that date and introduce in rebuttal, such testimony as it desires in the case.

Respectfully,

MMP
Incl. 2-5

Commissioner.

Cherokee Freedmen
R 302

Muskogee, Indian Territory, November 6, 1906.

Jesse Vann,
Spavinaw, Indian Territory.

Dear Sir:

In connection with your application for the enrollment of your children, Frank, Riley and Lovat Vann, as Cherokee freedmen, you are advised that on December 7, 1906, their case will be taken up for hearing at which time you will be permitted to introduce on their behalf the testimony of the witnesses whose names and addresses your attorneys, Starr and Patten, Vinita, Indian Territory, submitted to this office in their letter of November 1, 1906.

The Cherokee Nation will be permitted to appear on that date and introduce in rebuttal, such testimony as it desires in your case.

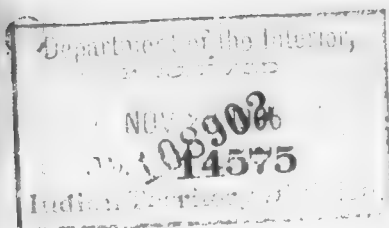
Respectfully,

Commissioner.

MTP

54768

108902



LAW OFFICES
McGOWAN, SERVEN & MOHUN
GLOVER BUILDING, 1418 F STREET, N. W.
WASHINGTON, D. C.
J. H. McGOWAN A. R. SERVEN BARRY MOHUN

November 27, 1906.

The Honorable,

The Secretary of the Interior,
Washington, D. C.

Dear Sir:

Please find enclosed, with proof of service on the attorney for the Cherokee Nation, the affidavit of William Paginton, of Center-ville, Kansas, in support of the pending motion for rehearing of the application of Jesse Vann et al. for enrollment as Cherokee freedmen. The local attorneys for these applicants are obtaining other affidavits as rapidly as possible and expect to forward some others within a few days.

Respectfully yours,

Maynard Lamm

S/F

D.C. 53862.

(COPY)

JF Jr.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D. 21044-1906.

December 7, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On October 17, 1906 (Land 36228), the Indian Office transmitted your report dated April 28, 1906, suggesting, in view of your decision in the Cherokee freedman case of Jacob Bean et al., and for other reasons set forth in your communication that the Department rescind its letter of April 14, 1906, ordering a rehearing in this case and reconsider the motion for rehearing heretofore considered in the light of the facts now presented.

In view of your recommendation, the Department has this day reconsidered said motion for rehearing. It has also considered the record and a motion for rehearing in the case of Jacob Bean et al.

It appears that the affidavits in support of the motion are objected to by you, for the reason that only one person of all of those who appear as parties to these affidavits has not testified in this case or been denied enrollment by you.

A careful consideration of the facts presented leads the Department to the belief that sufficient question is presented

by the motion for rehearing to warrant the rehearing heretofore ordered.

The papers in the case are therefore returned and you are directed to consolidate the case of Jesse Vann et al. and Bertha Bean et al., and permit the applicants and the nation to present such testimony as you may deem proper in connection with the return of Stephen Henry Lynch to the Cherokee Nation prior to February 11, 1867, and with reference to the regularity of those proceedings upon which decision of the supreme court of the Cherokee Nation dated June 8, 1871, in regard to said Stephen Henry Lynch are based.

By reason of the short time remaining in which enrollment cases may receive consideration, in notifying the attorneys for the applicants and the nation of this action, you will suggest the necessity for an early hearing.

Respectfully,

Thos. Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

10 inclosures.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

J.P.Jr

D:C. 54761-1906.

I.T.D. 22194-1906.

December 8, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On November 2, 1906 (Land 94181), the Indian Office transmitted your report dated October 22, 1906, in reference to the consolidation of the applications of Frank, Riley, and Lovat Vann, applicants in the Cherokee freedman case of Jesse Vann et al., with the Cherokee freedman case of Emma Purtle, now pending before your office.

Your attention is called to the fact that on December 7, 1906, the Cherokee freedman case of Jesse Vann et al. was returned, to you for a further hearing.

Your action in consolidating the applications of Frank, Riley, and Lovat Vann with the application of Emma Purtle is hereby approved.

A copy of the Indian Office letter is inclosed.

Respectfully,

Shos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

D.C. 54768-1906.

I.T.D. 14575-1906.
14913- "

December 12, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to departmental letter of December 7, 1906, in reference to the Cherokee freedman case of Jesse Vann et al., there are transmitted herewith to be filed with the papers in the case, certain communications from Messrs. McGowan, Serven & Mohun, inclosing affidavits in support of the motion for rehearing heretofore considered by the Department.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

4 inclosures.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.I.T.D. 9640-1906.
19428- "

December 7, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On May 24, 1906 (Land 20616), the Indian Office transmitted your report dated March 3, 1906, forwarding the record of the application for enrollment as Cherokee freedmen by Jacob Bean for himself and his minor child, Bertha Bean, and by Bertha Bean for her illegitimate child, Willie Vann.

On March 3, 1906, you decided adversely to all of the applicants in said case.

On August 17, 1906, the attorneys for the applicants in this case filed a motion for rehearing on behalf of Bertha Bean and her minor child.

The Indian Office on October 3, 1906, forwarded the reply of the attorneys for the nation to said motion.

The Department has considered this motion in connection with the motion for rehearing filed in the case of Jesse Vann et al., a rehearing in which was ordered on April 14, 1906, and which is now before the Department awaiting consideration of your suggestion that said order for rehearing be rescinded, in view

of your decision in this case.

The affidavits in support of the Vann motion are objected to by you for the reason that only one person of all of those who appear as parties to the affidavits in support of the motions has not testified in this case or in the Vann case, or been denied enrollment by you. The affidavits of those denied enrollment are unquestionably valueless, but the Department believes that in view of the affidavits submitted by these persons who do not appear to have been impeached, together with the affidavits of Thomas Barwick and Sarah Fine, filed in support of this motion, sufficient question is raised to warrant a further hearing in the case.

The case is therefore remanded for further hearing, and you are directed to consolidate the cases of Jesse Vann et al. and Bertha Bean et al., and permit the applicants and the nation to present such testimony as you may deem proper in connection with the return of Stephen Henry Lynch to the Cherokee Nation prior to February 11, 1867, and with reference to the regularity of those proceedings upon which decision of the supreme court of the Cherokee Nation dated June 8, 1871, in regard to said Stephen Henry Lynch are based.

In view of the short time left for the consideration of en-

-2-

rollment cases, you will notify the attorneys for the applicant and the nation of the necessity of an early hearing.

Respectfully,

Thos. Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

8 inclosures.

Cherokee Freedmen
R 302 et al.

Muskogee, Indian Territory, December 17, 1906

W. W. Hastings,

Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear sir:

There is enclosed a copy of Departmental decision of December 7, 1906, remanding for rehearing and readjudication the Cherokee freedmen cases of Jesse Vann et al., and Jacob Bean et al., said cases to be consolidated. The attorneys for the applicants have been requested to furnish this office at the earliest practicable date, a list of the names and addresses of the witnesses they propose to introduce on behalf of the applicants. Upon receipt of the same you will be furnished a copy thereof, after which the cases will be set for hearing, of which action the parties at interest will be notified.

Respectfully,

L X B

Commissioner

Encl. B-89

Cherokee Freedmen
R 802 et al.

Muskogee, Indian Territory, December 17, 1906

Starr & Patten,

Attorneys for Jesse Vann et al.

Vinita, Indian Territory.

Gentlemen:

There is enclosed a copy of Departmental decision of December 7, remanding the Cherokee freedman cases of Jesse Vann et al., and Jacob Bean et al., to this office for rehearing and readjudication, said cases to be consolidated.

The Department directs this office to "permit the applicants and the nation to present such testimony as you may deem proper in connection with the return of Stephen Henry Lynch to the Cherokee Nation prior to February 11, 1867, and with reference to the regularity of those proceedings upon which decision of the Supreme Court of the Cherokee Nation dated June 8, 1871, in regard to said Stephen Henry Lynch are based."

The Department states that "By reason of the

Cherokee Freedmen
R 302 et al.

Muskogee, Indian Territory, December 17, 1906

Starr & Patten,

Attorneys for Jesse Vann et al.

Vinita, Indian Territory.

Gentlemen:

There is enclosed a copy of Departmental decision of December 7, remanding the Cherokee freedman cases of Jesse Vann et al., and Jacob Bean et al., to this office for rehearing and readjudication, said cases to be consolidated.

The Department directs this office to "permit the applicants and the nation to present such testimony as you may deem proper in connection with the return of Stephen Henry Lynch to the Cherokee Nation prior to February 11, 1867, and with reference to the regularity of these proceedings upon which decision of the Supreme Court of the Cherokee Nation dated June 8, 1871, in regard to said Stephen Henry Lynch are based."

The Department states that "By reason of the

Vinita, I. T., December 26, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sir:

We beg leave to submit, as a list of the witnesses whom we intend to use in the trial of the Cherokee Freedman Citizenship case of Jesse Vann et al., the following named persons, to-wit:-

Thomas Barwick, Pottawatomie, Kansas.
William Paginton, Centerville, Kansas.
John W. Thompson, Farlinville, Kansas.
Dem Robinson, Prescott, Kansas.
J. D. Mc. Rae, Goodrich, Kansas.
Sarah Fine, Pleasanton, Kansas.
Simon Lynch, Chaffe, I. T.
Tobias Bean, Chaffe, I. T.
Arthur Bean, Chaffe, I. T.
Leander Bean, Vinita, I. T.
Nelson Moore, Ketchum, I. T.
Joe Davis, Vinita, I. T.
Jackson Davis, Chaffe, I. T.
Sam Webber, Lenapeh, I. T.
Daniel Sanders, Centralia, I. T.
Blue Thompson, Chetopa, Kansas.
Jerry Fields, Taft, I. T.
Stick Ross, Tahlequah, I. T.

Yours truly,

(Signed) Starr & Patten.

Cherokee Freedmen
R 302 et al.

Muskogee, Indian Territory, December 29, 1906

W. W. Hastings,

Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of the letter of Starr & Patten, attorneys for applicants, giving the names and addresses of the witnesses proposed to be introduced on behalf of applicants in the Cherokee freedmen cases of Jesse Vann et al.

The applicants and their attorneys, have been this day notified that they will be permitted to appear before the Commissioner at his office in Muskogee, Indian Territory, on Thursday, January 10, 1907, at nine o'clock A. M., and introduce the testimony of these witnesses in support of their applications for enrollment as Cherokee freedmen. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in said cases.

Respectfully,

Encl. 2-12

Commissioner

Cherokee Freedmen
R 302

Muskogee, Indian Territory, December 29, 1906

Jesse Vann,

Spavinaw, Indian Territory.

Dear Sir:

This office is in receipt of a letter from Starr & Patten, Vinita, Indian Territory, giving a list of the names and addresses of the witnesses whose testimony they propose to introduce in support of your application for the enrollment of yourself and children as Cherokee Freedmen.

You are hereby advised that you will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office in Muskogee, Indian Territory, on Thursday, January 10, 1907, and introduce the testimony of these witnesses in your behalf.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in your case.

Respectfully,

Commissioner

Cherokee v
N 302, et al.

Muskogee, Indian Territory, January 22, 1907.

Starr & Patten,

Attorneys for Jesse Vann, et al.,
Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental proceedings had at Muskogee, Indian Territory, January 10, 12, and 14, 1907, in the matter of the applications for the enrollment of Jesse Vann, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-20.
GHL

Commissioner.

Cherokee v
R 302 et al.

Muskogee, Indian Territory, January 22, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had at Muskogee, Indian Territory, January 11, 12, and 14, 1907, in the matter of the applications for the enrollment of Jesse Vann, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-21.
GHL

Commissioner.

Cherokee v
R 302 et al.

Muskogee, Indian Territory, January 22, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had at Muskogee, Indian Territory, January 11, 12, and 14, 1907, in the matter of the applications for the enrollment of Jesse Vann, et al., as Cherokee freedmen.

Respectfully,

Incl. CI-21.
OHL

Commissioner.

Cherokee F.
R 302

Muskogee, Indian Territory, February 23, 1907.

Jesse Vann,

Spavinaw, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting, among others, the application for your enrollment as a Cherokee freedman. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in the case and there has this day been forwarded them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. E-90
JMH

Commissioner.

Register.

Cherokee F.
R 302 et al.

Muskogee, Indian Territory, February 23, 1907.

Starr & Patten,
Attorneys for Jesse Vann, et al.,
Vinita, Indian Territory.

Gentlemen:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the applications for the enrollment of Jesse Vann, et al., as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. N-96
JMH

Commissioner.

Cherokee F.
R 302 et al.

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the applications for the enrollment of Jesse Vann, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the matter, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H-95
JMH

Commissioner.

Muskogee, Indian Territory, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Jesse Vann, et al. (R 302 et al), as Cherokee freedmen, together with the decision of the Commissioner, dated February 23, 1907, denying the applications for the enrollment of Jesse Vann, William Vann, Nettie Eaton, Daniel, Mary, Arthur and Lucine Lynch, Jacob and Bertha Bean, and Willie Vann as Cherokee freedmen.

On December 7, 1906 (I.T.D.21044-1906), the Department ordered the case of Jesse Vann, et al., consolidated with the case of Bertha Bean, et al., and remanded the case to this office for rehearing and readjudication.

Respectfully,

Encl.H-97

JMH

Commissioner.

Through the Commissioner
of Indian Affairs.

REFER IN REPLY TO THE FOLLOWING:

Cherokee T.

R 302

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 27, 1907.

Jesse Vann,

Spavinaw, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting, among others, the application for the enrollment of your children, Frank, Riley and Levat Vann, as Cherokee freedmen. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in this case, and there has this day been forwarded them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. H-45
JMH

Commissioner.

Register.

Cherokee F
D 254 et al.

Muskogee, Indian Territory, February 27, 1907.

Starr & Patten,
Attorneys for Moses Riley, et al.,
Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, dismissing the applications for the enrollment of Clarence Gurls and Ethel Townsend as Cherokee freedmen, and rejecting the applications for the enrollment of Moses Riley, et al. as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. H-48
JMK

Commissioner.

Cherokee F
D 258 et al.

Muskogee, Indian Territory, February 27, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, dismissing the applications for the enrollment of Clarence Gurls and Ethel Townsend as Cherokee freedmen, and rejecting the applications for the enrollment of Moses Riley, et al. as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. H-50
JMH

Commissioner.

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Moses Riley, et al. (D 258 et al), as Cherokee freedmen, together with the decision of the Commissioner, dated February 27, 1907, dismissing the applications for the enrollment of Clarence Curls and Ethel Townsend, and rejecting the applications for the enrollment of Moses, Lillie, Andrew, Nathaniel, Jesse, Joseph, Ollie, Viola, Nabel, Elvora, Ideller, Luther D., Frank, Lottie, Fannie, James, Ralph, Arizona, Inola, Earl E., Clarence, Jerry, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie and Jimmie Scott, Delilah, Allie, Luman, Jesse, Alfred, Mela, Della, Ella, Harrison, Lottie, Rebecca, Luford, Wilbert and Arch Johnson, Jane Riley, Daniel Thompson, Elsie, Amanda, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Maise Ward, Sandy Thompson, Ruth, Lenora, Odine and Hannah Riley, Charles Landrum,

Bettie McIntosh, William Riley, Carrie Gibson, Gera J. and
Oval Wagener, Arthur Riley, Elizabeth and Elnera Melton,
Julius, Riley, Willie, Edward, James, George, Stephenie and
Beatrice Curle, Ophelia, Alpha, Libbie, Hirschel, Harvey and
Clyde Thompson, Nellie, Rosa, George and Arthur Townsend,
Emma Purdie, Ellen Bean, Walter, Waneta, Frank, Riley and
Levat Vann, as Cherokee freedmen.

Respectfully,

(Signed) Tams Bixby,

Commissioner.

Encl. H-55
JMH

Through the Commissioner
of Indian Affairs.

LAND
19717-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

(COPY)

WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 23, 1907, enclosing record of proceedings had in the matter of the application for the enrollment of Jesse Vann, et al., as Cherokee Freedmen, including his decision, dated February 23, 1907, denying the applications for the enrollment of Jesse Vann, William Vann, Nettie Eaton, Daniel, Mary, Arthur and Lucine Lynch, Jacob and Bertha Bean, and Willie Vann, as Cherokee freedmen.

On December 7, 1906 (I.T.D. 21044-1906), the Department ordered the case of Jesse Vann, et al., consolidated with the case of Bertha Bean, et al., and remanded it to the Commissioner for a re-hearing and re-adjudication.

The record transmitted includes the original record, together with the decision of the Commission and the record on re-hearing.

The evidence shows that Jesse Vann, William Vann and Jacob Vann were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and left the Cherokee Nation during the progress of the War and did not return thereto and establish an actual, personal bona fide residence therein until subsequent to February 11, 1867. It is further shown that Nettie Eaton and

Daniel Lynch were born subsequent to 1866, and are descendants of Steve and Peggy Lynch, and derive such rights as they may have through their ancestors, who were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and it is shown that they left the Cherokee Nation during the War and did not return thereto until subsequent to February 11, 1867.

The record also shows that Bertha Bean was born since 1866; is the daughter of Jacob Bean and Judie Bean; that Judie Bean was born in Kansas during the Rebellion, and is the daughter of Steve and Peggy Lynch, and returned to the Cherokee Nation with her parents when they returned thereto subsequent to February 11, 1867. Bertha Bean, therefore, possesses no right to enrollment not possessed by her parents.

Willie Vann is a minor son of Bertha Bean, and claims the right to enrollment as a descendant of his mother, and also as a descendant of his alleged father, Samuel Vann. It is also shown that the allegation that Willie Vann is the son of Samuel Vann is denied by Samuel Vann, and under the rulings of the Department in the case of Frank A. Grinnett (I.T.D. 1790-1905), Willie Vann possesses no right to enrollment as a descendant of his alleged father.

Mary Lynch is shown to have been born since 1866; is the daughter of one Nancy Ross, and has no right to enrollment as a Cherokee freedman other than as such descendants. Nancy Ross was the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and left the Nation during the War, and it

is shown that she did not return thereto until subsequent to February 11, 1867.

The evidence further shows that the minor applicants, Arthur and Lucine Lynch, are minor children of Daniel and Mary Lynch, and possess no right to enrollment as Cherokee freedmen not possessed by their parents.

Excepting on the Kern-Clifton and Wallace rolls, none of the applicants can be identified on any of the rolls of the Cherokee Nation in the possession of the office of the Commissioner. The evidence taken on the new hearing has been carefully examined and compared, and the Office is of the opinion that while it is not necessary to review it at length, that it conclusively shows that the decision of the Commissioner in denying the enrollment of the above named applicants is correct, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KVE-SD

D.C. 13313-1907.

CRW
RJH

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D. 7572-1907
7546- "

March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decision of February 23, 1907, adverse to the applicants, in the matter of the applications for the enrollment of Jesse Vann, et al., as Cherokee freedmen, is hereby affirmed. A copy of Indian Office letter of March 1, 1907 (Land 19717), submitting your report of February 23, and recommending that your decision be affirmed, is inclosed.

A copy hereof and all the papers in the case have been sent to the Indian Office.

Respectfully,

(Signed)

E. A. Hitchcock,

Secretary.

1 inc. and 5 incs.
for Ind. Off.

W.C.F. 3-4-07.

(COPY)

LAND
21760-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the consolidated application for the enrollment of Moses Riley, et al., as Cherokee freedmen, wherein a final decision of rejection was rendered by the Commissioner as to all the parties applicant on February 27, 1907.

This case was remanded by the Department for further investigation, and a large number of witnesses were sworn and testified in the case, and 285 pages of additional testimony taken. In addition to the oral evidence, certain original and certified copies of records throwing light on the contentions of the parties, were filed with the record and are now submitted.

Commissioner Bixby found that the applicants had not been in such a manner recognized by the tribal authorities of the Cherokee Nation as freedmen of that Nation as to entitle them under the present laws to enrollment as freedmen of the Cherokee Nation. The Office cannot concur in this recommendation.

The Supplemental evidence submitted, in the judgment of the Office, by a clear preponderance thereof shows that

(2)

Samuel Riley, or Riley McNair, who was at the beginning of the War of the Rebellion a slave of a Cherokee citizen, returned to the Cherokee Nation within the time prescribed by the treaty of 1866 and re-established himself therein. Documentary and other evidence clearly showing recognition on the part of the Cherokee Nation and its officers of the various principal applicants herein as freedmen of the Nation is in the record. It is also shown that all the applicants have resided throughout their entire lives, or for many years, in the Cherokee Nation, and no serious question has been raised as to their right to so remain and occupy the tribal lands.

It is the judgment of the Office therefore that the record as now constituted satisfactorily shows that the following persons are entitled to and should be enrolled, and it is recommended that the adverse decision of the Commissioner be reversed and that their enrollment be ordered: Moses Riley, Lilly Riley, Andrew Riley, Nathaniel Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elmore Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lattie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, -(son of Lottie Riley), Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Salvin Riley, Bertha Riley, Ada Riley, Leona Riley, Fannie Scott, Charles Wesley Miller, Fessie Scott, Jimmie Scott, Delilah Johnson, Allie Johnson,

(3)

Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson,
Della Johnson, Ella Johnson, Harrison Johnson, Lottie Johnson,
Rebecca Johnson, Luford Johnson, Wilbert Johnson, Arch Johnson,
Lenora Odine Riley (child of Jesse Riley), William Riley, Carrie
Gibson, Cora J. Wagoner, Oval Wagoner, Arthur Riley, Elizabeth
Melton, Elnora Melton, Julius Curls, Riley Curls, Willie Curls,
Edward Curls, James Curls, George Curls, Stephenia Curls,
Clarence Curls, Beatrice Curls, Ophelia Thompson, Alpha
Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson,
Clyde Thompson, Mollie Townsend, Rosa Townsend, George Townsend,
Arthur Townsend, Ethel Townsend, Emma Purtle, Frank Riley and
Lovat Vann (children of Emma Purtle and Jesse Vann), Julius
Curls, Jr., -(son of Riley Curls), Oak Leon Wagoner (son of
Cora J. Wagoner), Jesse Barnett (son of Lard and William Riley),
Ellen Vann, Walter Vann, Naneta Vann, and John C. Wiley (son of
William Riley).

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

ERN-LC..

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176

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.W.H.
J.W.H.
W.C.P.
J.R.W.

I.T.D.
7912-1907.
8018-042-1907:

F.L.C.

March 4, 1907.

The Commissioner to the
Five Civilized Tribes.

Sir:

The Department has considered the record in the matter of the consolidated applications for the enrollment of Moses Riley et al. as Cherokee freedmen, which was the subject of your decision of February 27, 1907, adverse to the applicants.

It seems that this case is now before the Department with additional testimony taken upon rehearing beginning October 26, 1906. There is no question as to the right of the common ancestor of these applicants, as well as the older parties to the case, to avail themselves of the opportunity afforded by article 9 of the treaty of 1866, between the United States and the Cherokee Nation, to acquire citizenship therein. The only question in issue concerns the date of the return of the common ancestor and his children to the Cherokee Nation. On the part of the applicants it is alleged that such return was made in the year 1866, it being claimed that the father of the family went first to the nation early in the spring of that year, and later returned to Kansas for the other members of the family, with whom he removed from Kansas to the Cherokee Nation in the fall of that year.

On behalf of the Cherokee Nation it is contended that the head of the Riley family did not go to the Cherokee Nation until the spring of 1867, and that the removal of the family did not follow until the fall of that year.

In your said decision of February 27, 1907, you state that the testimony introduced on behalf of the Cherokee Nation shows conclusively that no crop was made on the McNair place (in the Cherokee Nation) by any member or members of this family in 1866, and that none of said family was on that place "after the war of the rebellion, earlier than, possibly, May, 1867". This statement is presumably designed as a finding contrary to certain portions of the testimony of the applicants tending to show that the head of the family raised a crop of corn on the McNair place during the year 1866.

It is further stated in said decision that the testimony introduced on behalf of the applicants, to the effect that when the Riley family left the State of Kansas, they went direct to the said McNair place in the Cherokee Nation, is uncontradicted. Following this statement an analysis is made of the testimony of Judge William Spriggs, which was in favor of the applicants, and the inference is drawn that the testimony of Mr. Spriggs is inaccurate in respect to time.

Reference is also made by you to the census roll of citizenship of the Cherokee Nation prepared in the year 1867 by W. Tompkins, who was appointed by the United States as

commissioner for that purpose. As the applicants' names do not appear upon this roll you infer that they did not return to the nation within the time limited by the treaty of 1866. Reference is also made to the decision rendered by a commission on citizenship in the Cherokee Nation about the year 1878, or 1879, relative to one Riley McNair. The record does not clearly disclose anything concerning this decision, save that it went "by default" apparently in favor of the plaintiff.

Reporting in the matter, March 2, 1907, the Indian Office stated that it could not concur in your recommendation adverse to the applicants, finding that the supplemental evidence, by a clear preponderance of proof, showed return of Samuel Riley, or Riley McNair, to the Cherokee Nation within the time prescribed by the treaty of 1866. The Indian Office also notes the existence of documentary and other evidence which, in its opinion, clearly shows recognition on the part of the Cherokee Nation and its officers of the various principal applicants herein as freedmen of the nation.

The Indian Office further shows that all the applicants have resided throughout their entire lives, or for many years, in the Cherokee Nation, and that no serious question has been raised as to their right to occupy tribal lands.

Concluding its report of March 2, 1907, the Indian Office recommends the enrollment of certain of the applicants,

but not all of them, in the following language:

It is the judgment of the Office therefore that the record as now constituted satisfactorily shows that the following persons are entitled to and should be enrolled, and it is recommended that the adverse decision of the Commissioner be reversed and that their enrollment be ordered: Moses Riley, Lilly Riley, Andrew Riley, Nathaniel Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Idell Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley (son of Lottie Riley), Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley, Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott, Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson, Arch Johnson, Lenora Odine Riley (child of Jesse Riley), William Riley, Carrie Gibson, Cora J. Wagoner, Oval Wagoner, Arthur Riley, Elizabeth Melton, Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls, Clarence Curls, Beatrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, Clyde Thompson, Mollie Townsend, Rosa Townsend, George Townsend, Arthur Townsend, Ethel Townsend, Emma Purtle, Frank, Riley and Lovat Vann (children of Emma Purtle, and Jesse Vann), Julius Curls, Jr. (son of Riley Curls), Oak Leon Wagoner (son of Cora J. Wagoner), Jesse Barnet (son of Maud and William Riley), Ellen Bean, Walter Vann, Waneta Vann, and John C. Riley (son of William Riley).

The Department has considered the additional testimony taken at the rehearing, and has further examined in connection therewith the testimony of the principal applicants taken theretofore. The work of examining the case has been materially

lightened by the careful briefs submitted by the attorneys, both for and against the applicants. In connection with said arguments there was submitted by the attorneys for the parties in interest a synopsis or analysis of the testimony relied upon, from which the relative weight of their contentions can be determined with some degree of certainty. With the assistance of said attorneys, and in view of the examination of the record referred to above, the Department has been able to reach a conclusion in the case.

It is not considered that the reasons given in your decision are sufficient to support the conclusion therein reached. It is believed that your decision is based more upon inference and negative proof than upon positive showing adverse to the applicants.

On the other hand it is found that the testimony of numerous witnesses who were acquainted with the older applicants during the war of the rebellion, and prior to the treaty of 1866, shows with a high degree of certainty that said applicants left the State of Kansas and removed to the Cherokee Nation in the fall of 1866. This conclusion is corroborated by various official records, which show that in the years past the members of the family have been regarded as citizens of the Cherokee Nation. Prominent among the witnesses who testified in their favor is Judge William Spriggs, referred to above. It appears that he is a man who has held positions of high honor in the

State of Kansas, and that his testimony is entirely trustworthy. Such testimony is verified in material respects by that of numerous other white citizens of Kansas, who were his neighbors during the war. According to the testimony of Judge Spriggs, he advised the father of the principal applicants early in the year 1866, during the pendency of the treaty with the Cherokee Indians to remove to the Cherokee Nation, in order to secure their rights. An effort has been made to discredit the testimony of Judge Spriggs because it tends in part to show that the Cherokee freedmen were adopted by act of Congress, or treaty, in the spring of 1866, when as a matter of history the treaty with the Cherokees was not ratified until July 19th of the year 1866.

It is found, however, that at the close of the war of the rebellion new treaties with the Five Civilized Tribes were necessary on account of the attitude assumed by them during the war, and because of the changed conditions resulting from it. Consequently negotiations with said tribes were begun as soon as possible after the close of the war, and were under way as early as April of 1866. The testimony of a number of other prominent citizens in Kansas was given in favor of the applicants, showing the date of their removal to the nation. Said testimony is largely cumulative in character, and need not be further referred to. It is considered important, moreover, to observe that the testimony of the principal applicant in 1901, compared with that given him more than five years thereafter, is notably consistent in all material respects.

The testimony submitted on behalf of the Nation is not deemed sufficient to overcome that presented by the applicants or to show, of itself, that they should be denied enrolment. No serious attempt was made to refute the statements of Judge Spriggs and his neighbors although some effort was made to establish generally the probability of error in testimony after lapse of years. But if there is such probability it is no more likely to occur on one side than on the other, and in the case of Judge Spriggs and his associates I find that their memories were fortified and reinforced, through association, by important matters and events which enabled them to fix definitely the date of applicant's removal to the Nation. The Nation places considerable stress upon the testimony of Mary J. Thompson who claimed to have returned after the war to the Old McNair place, in the Cherokee Nation, in the fall of 1866, and who testifies that none of the Riley boys made a crop upon the place that year. This testimony necessarily relates to the spring and summer of 1866, yet it is not claimed that she herself returned to the Nation until November 1866. Manifestly decisive weight should not be attached to her testimony under such circumstances, her statements being, like that of others relied upon by the Nation, negative rather than positive. Even though all the force claimed be given the testimony of this witness as well as to that of others, including, particularly, Herman Vann, Key Catcher, and J. H. Covel, the De-

partment would not be warranted in denying the enrolment of the applicants, except as noted hereinafter. Accordingly, as the Department concurs in the recommendation of the Indian Office, you are directed to enroll the persons mentioned herein, whose names are contained in the extract quoted from Indian Office report of March 2, 1907, and set forth above, as Cherokee Freedmen.

Your decision of February 27, 1907 is reversed as to the persons named in Indian Office report of March 2, 1907 (Land 21760 - 1907) but as to the other persons who are parties to this case, your said decision, adverse to them, is hereby affirmed.

The Department has also considered the Cherokee Freedmen cases of Julius Curbs and Elmore Vann, both of whom were denied enrollment by your decisions of February 28, 1907. The Indian Office recommends the enrollment of these children. Inasmuch as their parents are found herein to be entitled to enrollment, the Department concurs in the recommendation of the Indian Office and your said decisions, both dated February 28, 1907, are hereby reversed. You are accordingly directed to enroll Elmore Vann as a Cherokee freedman. The name of Julius Curbs appears in the list quoted from Indian Office Report of the 2nd instant.

On February 28, 1908, by separate decisions, you also denied the enrolment of Jesse Riley, Oak Leon Wagoner, and Alice Riley, as Cherokee freedmen. The Indian Office reported under

date of March 4, 1907 that the enrolment of the parents of these children was recommended in its report of the 2nd instant. Such being the case, your said decisions of February 28, 1907, are hereby reversed and you are also directed to enroll the said Jesse Riley and Alice Riley as Cherokee freedmen. As to Oak Leon Wagoner, his name also appears hereinbefore in the list quoted from Indian Office letter of March 2, 1907.

A copy of this decision has been sent to the Indian Office, together with the papers in the cases referred to herein.

Very respectfully,

Jesse E. Wilson,
Acting Secretary.

A F Mc
3-4-07.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 4, 1907.

Land

21888-1907.
21899-1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed records of the Commissioner to the Five Civilized Tribes in the matter of the applications of Julius Curle and Elmore Vann, applicants for enrollment as Cherokee freedmen, wherein decisions adverse to them were rendered by the Commissioner to the Five Civilized Tribes.

On the 2nd instant the Office in forwarding the Cherokee freedman case of Moses Riley recommended that the parents of these applicants, through whom they claim their rights, be enrolled. It necessarily follows, since the applications in these cases were made within the time prescribed by law, that if the parents were entitled, so are the children. It is therefore recommended that the adverse decisions of the Commissioner in these cases be reversed and that Julius Curle and Elmore Vann be enrolled as Cherokee freedmen.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KBH-GH

Cherokee F.
R 301, et al.

Muskogee, Indian Territory, March 23, 1907.

Starr & Patten,

Attorney for Jesse Vann, et al.,

Vinita, Indian Territory.,

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the applications for the enrollment of Jesse Vann, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-3
JMH

Commissioner.

Cherokee F.
R 302 et al.

Muskogee, Indian Territory, March 23, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the applications for the enrollment of Jesse Vann, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-4
JMH

Commissioner.

Copy

Cherokee F.
D 258 et al.

Muskogee, Indian Territory, March 27, 1907.

Starr & Patten,
Attorneys for Moses Riley, et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting the application for the enrollment of Moses Riley, et al., as Cherokee freedmen, was reversed by the Secretary of the Interior, March 4, 1907, as to Moses Riley et al., and affirmed as to Jane Riley, et al.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-5

LMC

Cherokee F.
D 258 et al.

COPY

Muskegee, Indian Territory, March 27, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskegee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting the application for the enrollment of Moses Riley, et al., as Cherokee freedmen, was reversed by the Secretary of the Interior, March 4, 1907, as to Moses Riley et al., and affirmed as to Jane Riley, et al.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Tams Bixby*
Commissioner.

Encl.C-4
LMS

Cherokee F.
R 302

COPY

Muskogee, Indian Territory, March 27, 1907.

Jesse Vann,

Spavinaw, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting, among others, the application for the enrollment of your minor children, Frank, Riley and Lovat Vann, as Cherokee freedmen, was reversed by the Secretary of the Interior, March 4, 1907, and said application granted.

Respectfully,

JMH

(SIGNED)

James Bixby
Commissioner.

Cherokee F.
R 302

Muskogee, Indian Territory, March 29, 1907.

Jesse Vann,

Spavinaw, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

JMH

D. D.
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

505
B

In the matter of the application for the enrollment of
Jesse Vann, et al. as Cherokee Freedmen, consolidating the applica-
tions of

| | | |
|----------------------------|-------------------|-------------|
| Jesse Vann, et al.,..... | Cherokee Freedmen | D 254-P 302 |
| William Vann, et al.,..... | " | D 309-P 573 |
| Nettie Eaton,..... | " | D 190-P 535 |
| Daniel Lynch, et al.,..... | " | D 316-P 301 |

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission: by Jesse Vann for himself and his minor children, Frank, Riley and Levat Vann; by William Vann for himself, his wife, Hannah Vann, and his minor child, Annie Vann; by Tom Eaton for his wife, Nettie Eaton, among others, the other parties to this application, being differently classified, are not embraced in this decision; and by Daniel Lynch for himself, his wife, Mary Lynch, and his minor children, Arthur and Lucine Lynch.

The evidence shows that William Vann, Hannah Vann and Jesse Vann were the slaves of Cherokee citizens at the commencement of the rebellion; and that they were taken out of the Cherokee Nation during the rebellion. It further shows that neither William Vann, Jesse Vann, nor their parents, Steve Lynch or Peggie Lynch, returned to said Nation until after January 19, 1867.

The evidence further shows that Nettie Eaton, Daniel Lynch and their children, above named, were all born since the commencement of the rebellion, and are descendants of the said Steve Lynch and Peggie Lynch, and have no rights as Cherokee Freedmen, except such as they may have derived through them; that Mary Riley was born since 1866, and is the daughter of one, Nancy Ross, through whom she claims the right to enrollment as a Cherokee Freedman; that Nancy Ross was the slave of a Cherokee citizen at the commencement of the rebellion and was taken out of the Cherokee Nation during the rebellion, but did not return thereto until after January 19, 1867.

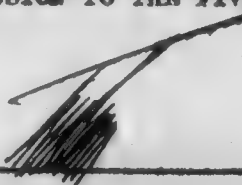
It does not appear that the names of any of the applicants herein are found on the 1860 authenticated Cherokee roll.

The evidence further shows that the said Hannah Vann returned to the Cherokee Nation prior to January 19, 1867, and that she has resided therein from that time up to and including the date


of her application herein. The said Annie Vann, who was born since 1866, is the daughter of Hannah Vann, and being a minor is considered to have resided since her birth with her mother.

It is, therefore, the opinion of this Commission that Hannah Vann and her minor child, Annie Vann, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495); and that the applications for the enrollment of Jesse Vann, Frank Vann, Riley Vann, Lovat Vann, William Vann, Nettie Eaton, Daniel Lynch, Mary Lynch, Arthur Lynch and Lucine Lynch as Cherokee Freedmen should be denied, under the provisions of said section twenty-one, and it is so ordered.

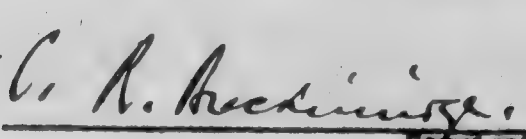
COMMISSION TO THE FIVE CIVILIZED TRIBES.




Chairman.



Commissioner.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 10 1900

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

0703

CHIEF CLERK, 1

CHEROKEE LAND OFFICE.

DEAR SIR:

The records of this office show

Levat Vanni

listed on Cherokee card No. *FR 302*

to be prima facie entitled to enrollment as a *Native* citizen of the Cherokee Nation for the following reason,

viz: *Enrollment directed by S. C. D. of*
Interior March 4 1907

Respectfully,

Dated

March 19 1907

Commissioner.

1072

No. 2378

WRIT OF POSSESSION.

VS.

Charles D. Rogers

Attorney for Plaintiff.

United States of America,
INDIAN TERRITORY. NORTHERN DISTRICT. } ss:

In the United States Court in the Indian Territory, NORTHERN District.

Charles Smith
Plaintiff,

Grant Alexander
vs.
Defendant.

FORCIBLE ENTRY AND DETAINER.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the NORTHERN District, Indian Territory, Greeting:

You are hereby commanded to cause (if the plaintiff give security according to law) the possession of the following-described lands, tenements, or other possessions, to wit:

Southwest quarter of Southwest quarter of Southeast Quarter and
Southeast Quarter of Southwest Quarter, Section twenty-five (25),
Township twenty-three (23), North, Range Twenty (20) East.

within the NORTHERN District, Indian Territory, to be delivered to the plaintiff in the above-entitled action without delay, and you are also commanded to summon the said

Grant Alexander to answer on the first day of the
next *January* Term of the United States Court in the Indian Territory, NORTHERN District,
at *Vinita*, being the *7* day of *January*, A. D. 190*6*
a complaint filed against *him* in said Court by *Charles Smith*
and warn *him* that upon *his* failure to answer, the complaint will be taken for confessed,
and you will make due return of this writ on the first day of the next *January*
Term of this Court.

Witness, the HONORABLE

W. A. GILL

Judge

of said Court, and the seal thereof, at

Vinita

Indian Territory, this *13* day of *November*, A. D. 190*6*

W. A. GILL

By

Davidson
Deputy.

I have this day executed the foregoing order by delivering to _____
_____, the Defendant, a true copy, the Plaintiff having executed
to the Defendant a written undertaking in the sum of \$ _____ with _____
_____ as surety, double the approved value of _____
property, which value was ascertained upon the oath of _____
in the sum of \$ _____

WRIT OF POSSESSION.

1017
No. 4378
Charles P. Poyen
County Clerk


7B.

D. J. 234

1124

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 10 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 10, 1901
 Post Office Spargan
 District Saline

1. Name Jose Vann Age 50
 Owner's name Geo. Lynch Citizenship
 Year 1866 Page 124 No. 3092 District Saline

Parents:

Father Doyle Citizenship
 Mother Doyle Citizenship

2. Name of Mary Night Age 47
 Owner's name Citizenship
 Year Page No. District

Parents:

Father Citizenship
 Mother Mary Night Citizenship

Names of Children:

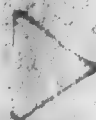
| No. | Name | Year | Page | No. | Dist. | |
|-----|-------------------|------------------|-----------------|-----------------|---------------------|-----------|
| 3. | <u>Ellen Vann</u> | | | | | <u>20</u> |
| 4. | <u>Frank Vann</u> | | | | | <u>15</u> |
| 5. | <u>Frank Vann</u> | | | | | |
| 2. | <u>Frank Vann</u> | Year <u>1866</u> | Page <u>124</u> | No. <u>3092</u> | Dist. <u>Saline</u> | <u>19</u> |
| 3. | <u>Riley</u> | Year <u>"</u> | Page <u>124</u> | No. <u>3097</u> | Dist. <u>"</u> | <u>15</u> |
| 4. | <u>Lofat</u> | Year <u>"</u> | Page <u>124</u> | No. <u>3098</u> | Dist. <u>"</u> | <u>11</u> |
| 9. | | Year | Page | No. | Dist. | |
| 10. | | Year | Page | No. | Dist. | |
| 11. | | Year | Page | No. | Dist. | |
| 12. | | Year | Page | No. | Dist. | |

Application made by No. 1 Stenographer Chas. von W. W. W.

2 On K. G. roll as Frankie Vann
 " " " " Leavitt

8

FD 254



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Jesse Vann,

Spavinaw, I.T.
Cherokee Y-D-254
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

CHEROKEE
FREEDMEN

JESSE VANE, ETAL

REFUSED

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAY 11, 1904

REFUSED

ACTION APPROVED BY
SECRETARY OF INTERIOR.
AS TO NO. 1. REVERSED AS TO NO. 2, 3, & 4

MAR. 4, 1907

NOS. 2, 3 & 4 TRANSFERRED
TO CHER. FR. NO. 1587

SEE CHER. FR. D 651 - 636 - R301- 303
D 309 - 190

602

50 78
100
120



Cher. Fr. R. 303

Cher. Fr. R. 303

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

JUL 13 1901
F. T. B. D.

War Howell
of a re-elf... she cannot be listed upon the
roll of the Five Civilized Tribes, except the Burn-Clifton roll;
she is now listed upon the Burn-Clifton roll as well as her
son, Bent Howell; reference is made to the testimony as to the
facts in regard to her citizenship and residence; she will now
be listed for enrollment, her and her son, Bent, as Cherokee
Freedmen on a doubtful card; she will be notified of the de-
cision of the Commission.

M. D. Green, being first and sworn, deposes that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded
the testimony and proceedings in this case and that the foregoing is
a true and correct transcript of his deposition to notes taken of.

M. D. Green

Subscribed and sworn to before me this July 15, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., July 1, 1901.

In the matter of the application of Mary Howell for the enrollment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. A.S. McRea, attorney for the applicant;

Mr. L.B. Bell, attorney for the Cherokee Nation.

- Q What is your name? A Mary Vann.
Q What is your age? A About 36.
Q What is your post-office address? A Benge.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q You want to enroll anybody but yourself? A Myself and one child.
Q What is the name of your child? A Bent Howell.
Q How old is he? A About 20.
Q Are you married? A Yes sir.
Q What is your husband's name? A Bent Howell.
Q Is he a citizen? A No sir.
Q Is he living? A Yes sir.
Q How old is he, about? A I don't know, sir.
Q Your name upon any of the rolls of the Cherokee Nation? A Upon the Kem-and Clifton roll.
Q How does your name happen to be Mary Vann if your husband is named Howell? A My mother belonged to the Vanns.
Q You are married to Howell? A Yes sir.
Q Your name is Howell now? A Oh yes sir, my name is Howell now.
Q What is your father's name? A I don't know sir.
Q What is your mother's name? A Rose Vann they called her.
BY MR. McREA:
Q Mrs. Howell, where were you when you first had any recollection of yourself? A I was with uncle George Vann.
Q Where was that? A That was down here on the other side, down below the bridge, double log house.
Q In the Cherokee Nation? A Yes sir.
Q I believe you averred that you have no recollection of your mother or father? A No sir, they said I was about a year old, but I don't remember.
Q Have you lived continuously in the Cherokee Nation since your first had any recollection of yourself? A Yes sir, I have been out and in.
Q What is the longest that you have lived out of the Cherokee Nation at any one time? A About eight months.
Q Are you married? A Yes sir.
Q How long have you been married? A I have been married about 22 years, I reckon, as high as I can guess at it.
Q Where were you married? A I was married at George Vann's house, down on the river.
Q What district? A Sequoyah.
Q Cherokee Nation? A Yes sir.
Q After your marriage how long did you and your husband remain at the place where you married? A About one year, I reckon.
Q Did you move? A Yes sir, we went off up in Kansas and stayed there about six or eight months, then came back down here and stayed.
Q Did you come back to the Cherokee Nation? To what point did you come when you came back? A We came down here in Sequoyah District.
Q Have you lived continuously since that time there? A No sir, we went to Oklahoma.
Q How long did you live in Oklahoma? A About 9 months I reckon.
Q What kind of work were you and your husband following while in Oklahoma? A I wasn't doing anything; well I did wash a little around

Mary Vann et al 2

the town, and he worked, street works, under the Commissioner.

Q What ~~is~~ town? A Oklahoma City.

Q How long did you remain there? A About nine months I reckon.

Q You afterwards returned to the Cherokee Nation? A Yes sir.

Q What place? A We then come down here on the, I can't call it the name of the place.

Q Near the present place where you now live? A Yes sir.

Q In Sequoyah District is it? A Yes sir.

Q Have you lived continuously where you are now living ever since you moved from Oklahoma? A Yes sir, often and on. I have worked in Ft. Smith and in Van Buren.

Q Did you move your effects out with you? A No sir.

Q How long did you work at Ft. Smith? A I didn't work there but a week, go backwards and forwards home.

Q You and your husband ever farm any in the Cherokee Nation? A Yes sir.

Q What is your present occupation, that of you and your husband? A Farming.

Q Where was the child that you have enrolled here born? A George Vann's.

Q Where is that at? A Down here below the bridge, in Sequoah.

Q Is that in the Cherokee Nation? A Yes sir.

Q Does your name appear upon any of the rolls of the Cherokee Nation? A Kerns and Clifton roll.

BY COUNSEL:

Q Did you get your ~~sixty~~ money under the name of Howell? A Vann or Howell, one or the two, I don't know which.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on

page 160 #3964 Mary Vann, Sequoyah District;

page 160 #3965 Ben Howard, Sequoyah District.

BY MR. HELL:

Q You say you don't know who your father and mother was? A I don't know nothing about it.

Q You don't know anything about your parentage at all? A No sir.

Q You don't know whether they were slaves or not? A No sir.

Q You don't know whether they ever lived in the Cherokee Nation or not? A No sir.

Q Where did you first find yourself when you can first recollect? A At George Vann's.

Q This old George Vann, the witness that was sworn here? A Yes sir.

Q How old were you when you were married? A I don't know sir, about 15 or 16 as near as I can guess at it.

Q Were you ever out of the Cherokee Nation before you were married? A No sir, nothing more than just working around in town, Ft. Smith and Van Buren.

Q Well you was out of the Cherokee Nation? A Yes sir.

Q How far out did you ever go? A I just worked there in Ft. Smith and Van Buren.

Q Anywhere else? A No sir.

Q Were you ever down the Arkansas river in the direction of Little Rock? A No sir.

Q When did you marry your present husband? A I don't know what year it was, it has been about 22 years, though, I reckon.

Q And you have lived ~~22~~ that 22 years in here except 18 months since you married? A I have been in and out.

Q How long do you think you was gone out the first time you went out? A About six or eight months I told you.

Q Where did you go when you went out that first time? A Went to Kansas.

Q Who resides in Kansas? A Kansas city.

Mary How 11 et al 3

- Q You went to Missouri then didn't you? A They called it Kansas City, that's what I call it.
- Q Did you live there in Kansas City? A Yes sir.
- Q How long? A About 6 or 7 or 8 months I reckon, I can't tell you, I can't read or write, and I can't count.
- Q Now you didn't live there any longer than 7 or 8 months at this one particular time, the first time you went there you didn't stay longer than 7 or 8 months? A No sir.
- Q Then you returned to the Cherokee Nation? A Yes sir.
- Q Came direct without stopping? A Yes sir.
- Q Were did you stop at in the Cherokee Nation? A Went down to old man Vann's and stayed awhile.
- Q How long? A I couldn't tell you just how long.
- Q That's what you are up here for, to testify your whereabouts? A Well about 6 months, I reckon.
- Q Then you went to Oklahoma City? A Went to Guthrie, Oklahoma.
- Q How long did you stay at Guthrie? A About eight months.
- Q Then you went from there to Oklahoma City? A Yes sir, I have been to Oklahoma City.
- Q You went from Guthrie to Oklahoma City? A No sir, I come from Guthrie back down here.
- Q When did you go to Oklahoma City? A I went there going backwards and forwards after I come here I went back.
- Q You went back to Oklahoma city then did you? A Yesir.
- Q How long did you stay here when you came back from Guthrie before you went to Oklahoma City? A Stayed here 6 or 7 months.
- Q How long did you stay in Oklahoma City? A Stayed there something inside of a year; I couldn't tell what year.
- Q What other place in Oklahoma did you ever work at? A I aint worked in any.
- Q You came back after staying the year in Oklahoma, back to the Cherokee Nation? A Yes sir.
- Q Made your farm back? A Yes sir.
- Q When did you do that? A I couldn't tell you what year.
- Q How many years ago? A Oh I don't know.
- Q How many crops have you made there? A Ten or twelve I reckon.
- Q Well which was it, 10 or 12 or 15? A I don't know, if I had knowed I would have told you directly.
- Q You made ten crops did you? A I reckon it was that much.
- Q Then these 12 years preceding that you was running around from Kansas City to Oklahoma was you? A Sir?
- Q What did become of you during those 12 years of your married life? A I told you.
- Q You have only accounted for about three or four years of it, one year in Missouri, 2 years in Oklahoma and 2 years in-?
- A I didn't say I went to Missouri.
- Q Well it don't make any difference whether you said it or not, you said you went to Kansas City; we will call it Kansas if that will satisfy you better; you were a year in Kansas and 2 years in Oklahoma and 2 six month spells in old George Vann's, where were you the other eight years of this 12? A I told you I worked backwards and forwards.
- Q You had no home for that 12 years? A Of course I did, I was running about the biggest part of the time, here and yonder, but most of my things were at old man Vann's.
- Q You had no home at all? A No sir, I haven't got any home at all now.
- Q You just now said you had a home? A I said we farmed.
- Q I asked you the question direct and you said you had a farm and worked there 10 or 12 years? A I beg your pardon, we haven't got any farm; I said we farmed.
- Q Whom farm did you live on those 10 years? A I lived on the Old

Mary Howell et al 4

Campbell and the Stadley place, and I lived on, I will call it directly.

Q Now where did you farm the last time you farmed? A That's this where we are, on Andy Mayfield's place.

Q Where did you farm last year? A We farmed on that other place, I can't call her name, it's a widow woman.

Q You can't name her at all? A I can call her name, Miss, Oh I declare, Retta Norman place, we farmed on that last year.

Q I want to ask you if you want to be understood as saying that you only stayed 6 or 8 months at Guthrie and a little less than a year at Oklahoma and that includes all the time you have been in Oklahoma? A And then going backwards and forwards.

Q I want to know if that 6 or 8 months at Guthrie and little less than 18 months at Oklahoma includes all the time you ever stayed at Oklahoma? A Yes sir, outside of running backwards and forwards.

Q Then you have just been running backwards and forwards to Oklahoma nearly all the time since you have been married have you?

A I have run around a heap, yes sir.

Q For the first 12 years you didn't have anything to do in the Cherokee Nation, you went backwards and forwards to Kansas City, around in Oklahoma, Guthrie, and gone down to another, that what you done? A We cropped and done a little of everything.

Q You didn't crop none that first 12 years, you have done stated you commenced farming ten years ago, you married 22 years ago; that first 12 years of your married life was taken up in running about in Oklahoma and running about in Kansas City you said? A A heap of it was.

BY COM'R NEEDLES:

Q Were were you married? A Down here below the Bridge.

Q In the Cherokee Nation? A Yes sir.

Q Where was Bent born? A Down there below the bridge.

~~Q Bent was born in the Cherokee Nation. Where is the Bridge? A In the Cherokee Nation.~~

Q Has he lived in the Cherokee Nation all his life? A Yes sir, well I don't say he has been here all his life, he aint at home now, just in and out.

Q He aint been living with you for a long time? A He aint been to say living at home, regular, at home, for 7 or 8 years.

Q Where is he now? A I aint heard from him in about two or three months.

Q You don't know whether he is alive now? A Last time I heard from him he was; he was up here at Coffeyville.

Q Now you say you were married here in the Cherokee Nation to Bent Howell, and he was a non-citizen? A Yes sir.

Q You and him have been living around over the country everywhere? A Yes sir, we have bent to Oklahoma.

Q You kept house over there in Oklahoma? A Yes sir, we kept house over there while we was there.

Q Kept house in Arkansas? A No sir.

Q Van Buren? A No sir.

Q Ft. Smith? A No sir.

Q Kansas City? A No sir, of course we kept house in Kansas City while I was there, I had to stay in a house you know.

Q And Bent with you all this time? A Sometimes he was and sometimes he wasn't.

Q Have you any other children besides Bent? A No sir.

Q How many years of late years have you lived with your husband and kept house in the Cherokee Nation? A You mean here recently?

A Yes, the last time, about how many years? A Between 6 and 9, somewhere along there.

GEORGE W. VANE, being sworn by Com'r Needles, testified as follows:

Mary Howell et al 5

BY MR. MCREE:

Q What is your name, Mr. Vann? A George W. Vann.

Q Your age? A 87 on the 27th day of December.

Q Are you acquainted with the applicant here, Mrs. Mary Howell?

A Yes sir.

Q What was her mother's name? A Her right name was Rose Vann.

Q Was she a slave? A Yes sir.

Q To whom did she belong? A She used to belong for several years to Vann, and I don't know whether she did at the breaking out of the war, but she was with Ben Johnson at the breaking out of the war; she was mortgaged from Johnson to Vann.

Q Vann was her original owner? A Yes sir.

Q Was he a Cherokee citizen? A Yes sir.

Q Did he or the applicant go out of the Cherokee Nation during the war of the Rebellion between the North and the South? A No sir.

Q Did you ever see her in the Cherokee Nation after the war? A Yes sir, she was born in time of the war.

Q I am speaking of the mother of the applicant? A Yes sir. Stayed at my house until she died.

Q Do you know when the applicant here was born? A I just don't recollect the month; she was born, the war went on some two or three years and she was born at my house.

Q About how ~~long~~ ~~old~~ old was the applicant when the mother died? A She must have been about 3 years old, something near that, to the best of my knowledge.

Q With whom was the raising and care of the applicant intrusted to after the death of the mother? A She was in my house when she died, and she stayed there until she got big enough to go out and work about, just like one of my children.

Q You raised the ~~child~~ applicant up as one of your own children? A Yes sir, she wasn't no kin to me, but I raised her up just like one of my children.

Q Has she lived continuously in the Cherokee Nation ever since you had care of bringing her up? A She did until she married.

Q When did she marry? A I think she must have been 16 or 17 when she married Bent Howard.

Q About how long ago has that been? (Com'r Needles: She is 36, - nearly 20 years.) ~~Right~~ Answer of witness: A Yes sir.

Q Where were they married? A In my house.

Q Where is that? A In Sequoyah District, near Ft. Smith.

Q Cherokee Nation? A Yes sir.

Q After their marriage how long to your knowledge did they live in your immediate vicinity? A Oh well they were around there sometimes in the Nation and sometimes in Ft. Smith and some times Van Buren, whenever he took her and whenever he went to work, some times I would see her and some times I wouldn't see in two or three months.

Q You know where they made their home? A At my house, they had a bed there and they always lived at my house, that's all the home I know.

Q What is the next time you have known them to live continuously in the Cherokee Nation? A What is the last time I knowed them living in the--

A Yes sir, continuously? A They were backwards and forwards right close, some days they were right over the river and some times come just across the river.

BY COM'R NEEDLES:

Q Where have you seen them in the last 7 or 8 or 10 years? A Right there in Ft. Smith and right there in Van Buren and in the Nation, living on the widow Mayfield's place now.

BY MR. MCREE:

Q Were they living in Ft. Smith or Van Buren or the Cherokee Nation? A They were working there, but their home was there at my

house.

BY COM'R NEEDLES:

Q Whenever they wanted something to eat they would come to your house? A No sir, they were making something to eat themselves.

BY MR. MORRIS:

Q Has the applicant any children? A One.

Q Girl or boy? A Boy.

Q You know his name? A Ben is what they call him.

Q You know where he was born? A I do.

Q Where? A Born there in Cherokee Nation in Sequoyah District.

Q Where is the applicant living now? A Living down in the bottom there about Pt. Smith on the widow Mayfield's plantation; they are making a crop.

Q In the Cherokee Nation? A Yes sir, Watie Mayfield's widow, she has got a plantation.

Q How long have they been living there? A They have been making a crop there about two years on the Mayfield place; this year I think is the second year.

Q You know where they lived before that? A Yes, they lived down on Charley Nettle's place two or three years ago, made a crop, in the Cherokee Nation.

BY MR. JAMES DAVENPORT, Cherokee Rep'r:

Q Where were you living when this girl was born? A In the Cherokee Nation, Sequoyah District.

Q Had you married the present wife that you now live with at that time? A No sir.

Q How long before you married this wife that you now live with was it that this girl was born? A This girl was born before ever I married this woman at all that I have got, my wife was named Narcissa when this girl was born.

Q That wife of yours died and those children were left with you before your second wife or third wife died? A Yes sir.

Q During the interim from the death of your second wife before you married this wife you now live with, what became of this child?

A He was with my children.

Q Where were you during that interim? A I had a house living right below where the bridge is now down there, double log house, right in the Cherokee Nation.

Q You was ~~there~~ couple of years in that time in what is known as Roach's Cove, in Alabama? A No sir, I don't know nothing about Roach's Cove.

Q You lived and know this girl lived there around Pt. Smith and Van Buren from the time her mother died up until the present time? A No sir.

Q Where has she been living? A I know she was gone once about 10 months, I didn't hear of her; I heard her husband say they was in Oklahoma.

Q About ten months? A Sure thing near, I can't get right at it.

Q About what year was that, George? A Well it has been some 5 or 6 years, maybe, I don't know exactly what year it was.

Q What Vann did her mother belong to? A About 5 or 6 years, maybe more; she belonged to Jim Vann, and Jim Vann mortgaged her, he and my wife to Ben Johnson, and when she was freed she was freed under Ben Johnson.

Q Where was Ben Johnson living at the close of the war? A Right there near Pt. Smith, about a mile from the bridge, right on the side of the river bank. Payne bought his place there after the war, from George, his son. of

Q She has only lived in the Cherokee Nation about 10 months? A I don't know that; she's been at least that much, maybe more; I don't know.

Mary Howell et al

Com'r Needles, Mary Howell applies for the enrollment of herself and son, Bent; she cannot be identified upon the rolls of the Cherokee Nation, except the Kern-Clifton roll; she is identified upon the Kern-Clifton roll as well as her son, Bent Howell; reference is made to the testimony as to the facts in regard to her citizenship and residence; she will now be listed for enrollment, her and her son, Bent, as Cherokee Freedmen on a doubtful card; she will be notified of the decision of the Commission.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this July 13, 1901.



Commissioner.

COMMISSION TO THE EMANCIPATED
DEPARTMENT OF THE INTERIOR
FILE 8 1001
B I I B D

Q Well when do you remember seeing this woman, with reference to the time you remember Uncle George coming in there, Uncle George Vann I mean? A I believe I saw her at the church.

Q I mean with reference to the time you remember seeing him there?

A That is what I am talking about.

Q Was it before or after he came, I mean do you remember seeing him in the locality? A It was after he came.

Q Well, you name her brother or not he was living there about the Ben Johnson place after you got back after the war? A He wasn't living there at all.

Q Where was this woman, Mary Howell, or Vann or Johnson, living, if you know, when you first saw her? A I don't know.

Q Well, about how long after you came back after the war was it before you first met her, have you got any idea at all? A I can't say that, it has been so long; that is, I was there so long before I saw her that I don't just say when it was.

Q About how old was you when you came back from the Choctaw Nation?

A I guess I was about ten years old.

Q Was you grown or not when you first saw this woman? A I was grown, yes, then.

By A. S. McRea: Dr. Johnson, you say the first time you ever seen Mrs. Howells was five or six years ago? A No, I didn't say five or six.

Q In 1898 was the Terr-Clifton? A Well, that was about the first time, I guess it was.

Q It has been about that period of time; how old were you at the breaking out of the war? A Well, I don't just go on to tell because I was so small I don't know.

Q You have no recollection of it? A No, sir.

Q Then you first met Mrs. Howell, you say it was at a church?

A I think it was.

Was it in the Cherokee Nation? A Yes, sir.

Q Sequoyah district? A Yes, sir.

Q You have been there in that neighborhood since then continuously?

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 25, 1901.

In the matter of the application of Mary Howell et al. for
enrollment as Cherokee Freedmen.

Testimony on behalf of the Cherokee Nation.

Appearances:

A. S. McRea, attorney for applicants.
J. S. Davenport, of counsel for Cherokee Nation.

ALBERT JOHNSON, being duly sworn by Commissioner Needles,
testified as follows:

Mr. Davenport: State your name? A Albert Johnson.

Q Where do you live? A In Sequoyah.

Q What is your postoffice? A Benge.

Q How old are you? A I am 44.

Q How long have you lived in Sequoyah district? A I have been
there all my life nearly.

Q Were you living down there before the war broke out? A Yes,
sir, born there.

Q Were you a slave? A Yes, sir.

Q To whom did you belong? A Ben Johnson.

Q Well, did you go out of the Nation during the war? A I went
out of the Cherokee Nation and went into the Choctaw Nation.

Q Well, who went with you? A Well, all of us went.

Q I mean by that, did your former owner go with you? A Yes, sir.

Q Well, when the war closed did you come back to the Cherokee
Nation? A Yes, sir.

Q About what year did you come? A We came in '65.

Q What became of your former owner, Ben Johnson? A Why he died.

Q Where was he at the time he died? A He was in Kiamichi in the
Choctaw Nation.

Q He never did come back to the Cherokee Nation after the war?

A No, sir, he died.

Q Can you remember anything about the slaves Ben Johnson owned
before ~~himself~~ the war? A I can remember some of them, yes, sir.

Q Had he a woman down there they called Rose before the war?

A No, sir, not as I remember of at all.

Q Do you know this applicant, Mary Howell? A Yes, sir, I know her.

Q After you came back to the Cherokee Nation down there at the
Ben Johnson place after the war did you see a woman there by the name
of Rose Vann or Rose Johnson? A No, sir.

Q Was there any such woman there on the Ben Johnson place
after you came back? A There wasn't no colored people there at all
only us that came from Kiamichi that belonged to Ben Johnson.

Q He have such a woman, by the name of Rose Vann, Ben Johnson?

A Not as I know of.

Q Well now if you came back from there, when did you first get
acquainted with the applicant, Mary Howell, or Mary Vann, or Johnson,
or whatever name she went by before she was married? A I just can't
say just when it was when I first got acquainted with her.

Q Did you get acquainted with her before she married Howell?

A No, sir.

Q Well, how long ago has it been, or about how long, since you first
saw her? A The first time I ever saw her was just a while before
this Vann and Clifton court, the first time.

Q Have you lived continuously in the neighborhood of the Ben John-
son place since you came back to the Cherokee Nation? A Yes sir.

Q Well, how far was it from the place where Uncle George Vann was
settled? A Well, it was about a mile and a half I guess from below
that.

Q Well, when was

Q Well when do you first remember seeing this woman, with reference to the time you remember Uncle George coming in there, Uncle George Vann I mean? A I believe I saw her at the church.

Q I mean with reference to the time you remember seeing him there? A That is what I am talking about.

Q Was it before or after he came, I mean do you remember seeing him in the locality? A It was after he came.

Q Well, you remember whether or not he was living there about the Ben Johnson place after you got back after the war? A He wasn't living there at all.

Q Where was this woman, Mary Howell, or Vann or Johnson, living, if you know, when you first saw her? A I don't know.

Q Well, about how long after you came back after the war was it before you first met her, have you got any idea at all? A I can't say that, it has been so long; that is, I was there so long before I saw her that I can't just say when it was.

Q About how old was you when you came back from the Choctaw Nation? A I guess I was about ten years old.

Q Was you grown or not when you first saw this woman? A I was grown, yes, then.

By A. S. McRea: Mr. Johnson, you say the first time you ever seen Mrs. Howells was five or six years ago? A No, I didn't say five or six.

Q In 1896 was the Kern-Clifton? A Well, that was about the first time, I guess it was.

Q It has been about that period of time; how old were you at the breaking out of the war? A Well, I can't just go on to tell because I was so small I don't know.

Q You have no recollection of it? A No, sir.

Q When you first met Mrs. Howell, you say it was at a church? A I think it was.

Q Was it in the Cherokee Nation? A Yes, sir.

Q Sequoyah district? A Yes, sir.

Q You have been there in that neighborhood since then continuously? A Yes, sir.

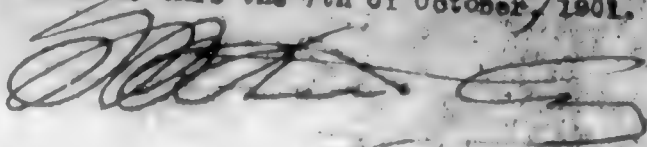
Q About her return though you know nothing about it you say? A I don't know nothing about that at all.

Q Neither her ownership? A No, sir, I don't know nothing about that.

Commissioner: This testimony will be filed with the testimony in the case.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 7th of October, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mary Howell and her minor child, Bent Howell, as Cherokee Freedmen.

DECISION.

The record in this case shows that on July 1, 1901, Mary Howell appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of herself and her minor child, Bent Howell, as Cherokee Freedmen.

The evidence shows that the said Mary Howell was born since the commencement of the rebellion and is the daughter of one, Rose Vann, deceased; and that Bent Howell is the minor child of said Mary Howell.

It does not appear that the said Rose Vann, at the commencement of the rebellion, was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation. Neither her name nor the names of any of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Mary Howell and Bent Howell as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.

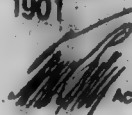

Commissioner.


Commissioner.

Dated at Muskogee, I. T.,
this JUL 1 - 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 9 1901

 **ACTING CHAIRMAN**

COMMISSIONERS:

HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

7X Gibson & J. Sept 9, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Mary Howell et al. for enrollment as
Freedmen of the Cherokee Nation.

No.

7D.995

A. S. McRae.
Atty. for Applicants

No. D. 995

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901

Given under my hand this.....
day of..... A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the

16 day of September, 1901.
A. J. M. C. R.
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A. D. 1901.

Subscribed and sworn to before me
this..... day of..... A. D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Notary Public.

FILED
SEP 17 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Mary Howell
for enrollment as a Cherokee citizen:

Case No. D 295

To Mary Howell or A. G. McRae her Atty.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept. 26th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

L B Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

9
No. D 995

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901

Given under my hand this
day of..... A. D. 1901.

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of....., 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

As McKee, atty for applicant
on the *18* day of *Sept* A. D. 1901
Wilson Lowrey

Subscribed and sworn to before me
this *18* day of *Sept* A. D. 1901

J. C. Starr
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 18 1901

ACTIVE CHIEF

NOTICE!

IN THE MATTER OF the application of Mary Howell
for enrollment as a Cherokee citizen:

Case No. D. 995

To Mary Howell or A. S. McRae her Agt. Atty.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept. 24th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9 - 18 - 1901.

L. B. Bell

M. W. Hastings

Attorneys for the Cherokee Nation.

COPY

Cherokee F. D-996

Muskogee, Indian Territory, July 10, 1903.

Mary Howell,

Benge, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting your application for the enrollment of yourself and your minor child, Bent Howell, as Cherokee freedmen. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

L. B. Needles

Commissioner in Charge.

Enc. D-57

Register.

COPY.

Cherokee F. D-998

Muskogee, Indian Territory, July 10, 1903.

A. S. McRea,

Attorney for Mary Howell et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting the application of Mary Howell for the enrollment of herself and her minor child, Bent Howell, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles

Commissioner in Charge.

Enc, D-58

Register.

Cherokee F.D-695

Muskogee, Indian Territory, July 10, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting the application of Mary Howell for the enrollment of herself and her minor child, Bent Howell, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

L. B. Needles,

Commissioner in Charge.

Enc D-59

Register.

COPY

Cherokee F.D-995

Muskogee, Indian Territory, July 10, 1903.

The Honorable

the Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Mary Howell for the enrollment of herself and her minor child, Bont Howell, as Cherokee freedmen, including the Commission's decision dated July 1, 1903, respecting said application.

Respectfully,

J. B. Needles

Commissioner in Charge.

Through the
Commissioner of Indian Affairs,

Enc. D-60

(COPY)

Refer in reply to the following:
Land.
43331-1903.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

March 3, 1904.

The Honorable,

Secretary of the Interior.

Sir:

I have the honor to transmit herewith report of the Commission to the Five Civilized Tribes dated July 10, 1903, forwarding application of Mary Howell for enrollment of herself and her minor child, Bent Howell, as Cherokee freedmen.

July 1, 1903, the Commission held that the applicants were not entitled to enrollment.

Mary Howell, principal applicant herein, is the daughter of Rose Vann. Mary Howell, nee Vann, was born after the war commenced. From the record it appears that her mother belonged to a family by the name of Vann who were citizens of the Cherokee nation; that she did not go out of the Cherokee nation during the war and resided within the limits thereof at the time of her death. The principal applicant herein it appears was born at the home of George W. Vann and that she has resided almost continuously in the Cherokee nation. She has been away from the nation from time to time but apparently the Cherokee nation has been her home.

--2--

Albert Johnson testified that when he returned to the Cherokee nation in 1865, and Ben Johnson, to whom it seems Rose Vann had been mortgaged, did not, so far as he knew, have a woman of African descent, by the name of Rose Vann. From the record in this office it appears that the principal applicant was born after the commencement of the war; that her mother was the slave of a Cherokee citizen at the time the war commenced, and that she did not remove from the Cherokee nation during the war. In view of the record, the office believes that the applicants are entitled to enrollment as Cherokee freedmen and therefore recommends that the decision of the Commission adverse to them be disapproved and that the Commission be directed to enroll them.

Very respectfully,

GAW-E

A. C. Tonner,
Acting Commissioner.

D.C. 16227-1904.

J.P.
F.HB

DEPARTMENT OF THE INTERIOR,

I.T.D. 1816-1904
L R S

WASHINGTON.

May 13, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On July 1, 1903, you rendered a decision in the case involving the application of Mary Howell for the enrollment of herself and her minor child, Bent Howell, as Cherokee freedmen, holding that the evidence does not show that Rose Vann, the mother of the principal applicant, was the slave of a Cherokee citizen, or a free colored person, residing in the nation at the commencement of the civil war, and that therefore the applicants are not entitled to enrollment.

Submitting the case March 3, 1904, the Acting Commissioner of Indian Affairs finds that Rose Vann was the slave of a Cherokee citizen at the time the war commenced, and that she did not remove from the Cherokee Nation during the war. He recommends that your decision be not concurred in, and that you be directed to enroll the applicants.

The Department does not find any reliable testimony to sustain the finding of the Indian Office. On the contrary, it considers that from the testimony of Albert Johnson, you were warranted in the decision rendered by you.

Your decision is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan.

Inclosure.

Cherokee Freedman
D-996.

Muskogee, Indian Territory, May 20, 1904.

Mary Howell,

Benge, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting your application for the enrollment of yourself and your minor child, Bent Howell, as Cherokee freedman, was affirmed by the Secretary of the Interior on May 13, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-995.

Muskogee, Indian Territory, May 20, 1904.

A. S. McRea,

Attorney for Mary Howell et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the application for the enrollment of Mary and Bent Howell as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 13, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-995.

Muskogee, Indian Territory, May 20, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the application for the enrollment of Mary and Bent Howell as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 13, 1904.

Respectfully,

Commissioner in Charge.

20002

20

COMMISSION TO THE LIVE OIL FIELD
DEPARTMENT OF THE INTERIOR

JUL 1 1901
FILED

CHIEF OF FIELD

UNITED STATES

CHEROKEE FREEDMEN.

District

Parents:

Mother

Parents:

Father

Mother

Names of Children:

| No. | Year | Page | No. | Dist. |
|-----|------|------|------|---------|
| 29. | 1961 | 160 | 3965 | Dist. 2 |
| 4. | Year | Page | No. | Dist. |
| 5. | Year | Page | No. | Dist. |
| 6. | Year | Page | No. | Dist. |
| 7. | Year | Page | No. | Dist. |
| 8. | Year | Page | No. | Dist. |
| 9. | Year | Page | No. | Dist. |
| 10. | Year | Page | No. | Dist. |
| 11. | Year | Page | No. | Dist. |
| 12. | Year | Page | No. | Dist. |

Application made by

..Stenographen

1 On K. Co. roll as Mary Vinton
2 " " " " " Betty Howard

A. S. McRae, Agent for applicant.

DEPARTMENT OF COMMERCE
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 24 1902

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NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mary Howell,
Serge, T.F.
Cherokee F-7-915
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 304

See Cher. Fr. R. 305-6-7

Cher. Fr. R. 304

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COMMISSION TO THE LANDS OFFICE
DEPARTMENT OF THE INTERIOR

ACTING CHIEF

F. J. Lusk

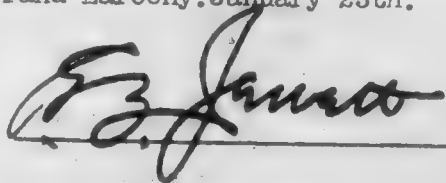
State of Kansas.

County of _____

S S.

E. M. Jewett, ~~being~~ ~~State~~ ~~clerk~~ states:

That he is _____ years of age; that he resides in the state of Kansas and in the town of Lansing; that he is Warden for the state penitentiary and that as such Warden, he is custodian of all the records of convicts, etc and that upon the record of said penitentiary, appears the following entry: "No 953. Reece Gravens. Sentenced to Penitentiary for term of five years for burglary and Grand Larceny. January 25th. 1375"



Sworn to and subscribed before me this the _____
day of June A. D. 1902.

Melvina Farris, et al.---

MILLIE FRYE, being sworn, and examined by Commissioner
T. B. Headlee, testified as follows:

- 7-11-95
- Q What is your name? A Millie Frye.
Q How old are you? A I am 34.
Q What is your post office? A Vineta.
Q Are you a Cherokee Freedman? A Yes, sir.
Q On the roll of 1880? A Yes, sir.
Q Do you know Viney Farris who has just applied to be enrolled?
A Yes, sir.
Q Did you know her mother? A Yes, sir.
Q Who was her mother? A Sophia Ross.
Q Was Sophia Ross and Melvina, were they slaves? A Yes, sir.
Q To whom did they belong? A Oliver Ross.
Q Was he a Cherokee citizen? A Yes, sir.
Q How long have you known Melvina? A I have known her ever since
she was a baby.
Q You knew her mother, Sophia? A Yes, sir.
Q Was Sophia taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A To Kansas.
Q When did she return? A I can't tell you.
Q When did you first see Melvina after the war?
A I don't remember just when it was.
Q Well, about how many years afterwards? A I don't know, 18 or
20 years.
Q You never saw her, Millie, after the war? A She has lived with
me while we were in Kansas.
Q Did she come back with Andy Frye? A No, sir.
Q Andy came first did he? A Yes, sir, he left her with her moth-
er.
Q You don't know when she and her come home? A No, sir.
Q Andy is her father? A Yes, sir.
Q You married Andy afterwards? A Yes, sir.
Q Did Andy and Sophia live together as man and wife?
A Yes, sir and Oliver Ross lived out on the Verdigris and that
separated them and he after he moved on there a while me and Andy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 19th, 1901.

In the matter of the application of Melvina Farris for the enrollment of herself and four children as Cherokee Freedmen; said Farris being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Melvina Farris.
Q How old are you? A I don't know exactly how old I is.
Q Well, about how old? A I guess I am about 46 or 7.
Q What is your post office? A Lenapah.
Q What district do you live in? A Cooweescoowee District.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many? A Nine.
Q Are you married? A Yes, sir.
Q What is your husband's name? A William Farris.
Q Is your name on the Roll of 1880? A It ought to be on there.
Q What is your father's name? A Andy Frye.
Q What is your mother's name? A Sophi a Ross.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir, she is dead.
Q Now, give me the names of your children under 21 years of age, commencing with the oldest? A Solomon.
Q How old is he? A 25; he is not right bright, he can't tell me his own age.
Q Now, give me the names of the children that are under 21 and not married? A Elijah.
Q How old is Elijah? A 18.
Q The next one? A Mattie, 15; Lula, 13; Leroy, 10.
Q Next one? A Luther, seven; Watt is four.
Q Is that all? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q Where is he? A He is on the ground here.
Q You don't apply for him? A No, sir.
Q Are you and he living together? A Yes, sir.
Q Were you ever married before? A No, sir.
Q Your maiden name was Ross? A Frye, my mother never was enrolled; my father was enrolled.
Q Did you draw what is known as strip money? A No, sir, my name was displaced.
Q Did you ever draw any money? A Yes, sir, drew on the Wallace roll.
Q Did you draw for any of these children? Drawed for the three oldest one.

The 1880 Authenticated, the 1896 Census and Kern-Clifton Rolls of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 185, #3300, Vinay Ross, no district given.

- Q You never drew for these younger children did you?
(No response.)
Q Have you any witnesses here? A Yes, sir.
Q Who are they? A Jim Alberty and Allen Lynch.
Q Where were you born? A I was born in the Territory.
Q Cherokee Nation? A Yes, sir.
Q Lived there all your life? A Yes, sir.
Q What is your father's name? A Andy Frye.
Q Is he a Cherokee Freedman? A Yes, sir.
Q Name on the roll of 1880? A Yes, sir.

Melvina Farris, et al.--2.

- Q What was your mother's name? A Sophia Ross.
Q Is her name on the roll of 1880? A No, sir.
Q Was she a slave? A Yes, sir.
Q To whom did she elong? A Susie Ross and ~~McComb~~ Oliver K Ross.
Q Is she living? A No, sir, she is dead.
Q Was Susan Ross and Oliver Ross Cherokee citizens? A Yes, sir.
Q You were a born slave yourself? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Up North.
Q Your mother with you? A Yes, sir.
Q What part of the North? A Kansas.
Q Well, when did you return from Kansas? A In '66.
Q Who did you return with? A Uncle Jess Brown brought me down.
Q How long did you mother live after that? A I don't know exactly how long she lived.
Q Where did you come to? A Uncle Jess Brown brought me, I was at his house.
Q Is he living? A No, sir, he is dead.
Q Was your mother dead before 1880, 20 years ago?
A She died right away after the war.
Q Who raised you yourself? A I stayed around with my brothers.
Q Who were your brothers? A George Ross and Jonas Ragsdale.
Q Are they living? A Yes, sir.
Q Are their names on the roll of 1880? A Yes, sir.
Q Why isn't your name there? A I don't know.
Q Your brother you say was Jonass Ragsdale? A Yes, sir.
Q And who else? A George Ross.
Q Are they older or younger than you? A They are younger.
Q You have always lived in the Cherokee Nation? A Yes, sir.
Q How many times have you been married? A Once.
Q To William Farris, is he living? A Yes, sir.
Q Is he the father of all these children? A Yes, sir.
Q Are these children all living at this time? A Yes, sir.
Q Is your husband a citizen? A Adopted citizen.
Q He is known as a State man? A Yes, sir.

BY MR. W. W. HASTINGS, Cherokee Representative:

- Q Where did Jess Brown live when you come down? A I don't know, sir. I was too small to remember it, I know Uncle Jess brought me down.
Q Was uncle Jess living down in this country? A I don't know sir, where he was living.
Q Well, if you were too small to remember where he was living, wasn't you a little too small to know the date? A I always know I was brought down in '66 because I just lived around with my brothers, because I had no mother.
Q Well, where did you live when you first come down here?
A I lived with my brother Jonas on Pryor Creek.
Q Well, where did you first see Jim Alberty? A I don't know, sir, whereabouts the first I ever saw him.
Q You don't remember that? A No, sir.
Q Well, did you stay with Jess Brown a while after you came down here? A Yes, sir.
Q Well, you don't remember what part of the Cherokee Nation he was living in? A No, sir.
Q About how many years after the war did your mother live?
A I don't know, how many, I was quite small when my mother died.
Q Did she die in the Nation? A No, sir, she died in the Nation.
Q And Jess Brown went up and brought you down? A Yes, sir.
Q Did the rest of Jess Brown's family come with you?
A I don't know whether it was his family or not.
Q Do you remember what other folks come with him? A No, sir.

Melvina Farris, et al.--3.

Q Is any of Jess Brown's folks living? A I don't know, sir, whether there is or not.
Q Well, you were about ten years old then wasn't you?
A Probably I was, I don't recollect anything about slavery.
Q I mean when you come down here? A Probably I was about that old, I don't know.
Q Well, who did you go to living with first when you come down here?
A My brother Jonas.
Q Did you go to keeping house? A No, sir, he was married.
Q He was living down here when Jess brought you down?
A Yes, sir.
Q Jess brought you down and you found out where your brekher was living? A I stayed with uncle Jess and when I found out where my brother Jonas was I went to him.
Q You didn't come back with your brother? A My brother was already here.
Q Well, you don't know about how long you stayed with yx Jess Brown?
A No, sir, I don't.
Q Do you think you stayed as much as a year? A I don't know whether it was or not.
Q Do you remember what time of the year it was Jess brought you down? A No, sir.
Q Don't know whether it was spring, summer or fall? A No, sir.
Q Do you know what time of the year it was you went to live with your brother Jonas? A Yes, sir, it was in the fall when I went to live with him.
Q You don't know how long you had been at Jess Brown's then?
A No, sir.
Q Jonas was living on Pryor Creek ye u say? A Yes, sir.
Q He was married then? A Yes, sir.
Q Did he have any children at that time? A He had two.
Q What were their names? A Sophia and one was named Viney.
Q What was when you went there? A Yes, sir.
Q How much older was your brother than you? A I don't know how much older or younger than I was.
Q He was grown when the war broke out? A Yes, sir.
Q Was Jonas married when the war broke out?
A No, sir.
Q Do you know where he was married? A No, sir.
Q Did he marry after he come back here? A He must.
Q He had two children when you went down there? A Yes, sir.

BY COM'R NEEDLES:

Q Was Andy Frye your father? A My natural father, my step-mother is here on the ground now.
Q Sophia Ross was your mother? A Yes, sir.
Q Was Andy Frye and Sophia Ross married? A They were living together as man and wife.
Q Did they go to Kansas together? A My mother went to Kansas, they didn't go together, she had the consumpti on.
Q Your mother was a slave? A Yes, sir.
Q And belonged to? A Oliver Ross.
BY MR. HASTINGS: You were a slave yourself? A Yes sir, but I was small.

JIM ALBERTY, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Jim Alberty.
Q How old are you, Jim? A 70 years old.
Q What is your post office? A Canton.
Q You claim to be a Cherokee Freedman? A Yes, sir.

Melvina Farris, et al.--4.

Q Do you know the applicant here, Melvina Farris?(No response.)

Q Do you know her by the name of Melvina Frye? A Yes, sir.

Q How long have you known her? A Well, I don't know, I have known her pretty near all her life.

Q Was she ever married? A When I saw her last she wasn't married.

Q What was her father's name? A Andy Frye.

Q What was her mother's name? A I forget her mother's name.

Q Well do you know whether Melvina was a slave? A Yes, sir, I think she was, I don't know whether she was born a slave or not; I knew her mother was.

Q Sophia Ross? A Yes, sir; that is the name.

Q To whom did Sophia belong? A Oliver Ross.

Q Well, was Sophia taken out of the Cherokee Nation during the war, do you know? A No, sir, I don't know.

Q When was the first time you saw Viney Ross after the war?

A This girl?

Q Yes. A When Jesse Brown come back from Kansas in '66, he brought her back I saw her there in that year.

Q At Jesse Brown's house? A Yes, sir.

BY MR. HASTINGS:

Q Where was Jess Brown living? A He was living at my house at that time when he first come back here, down on the river.

Q Down on Grand river? A Yes, sir.

Q Did Jesse Brown have a family? A Yes, sir, he had a wife and no children.

Q How long did this girl stay down there? A I don't know; when he left there and went away with her I never saw her any more.

Q He took her away with him? A Yes, sir, took her up here to where he lived; he built out there on Gosseneck bend.

Q And he went up there did he? A Yes, sir.

Q How long did he stay down at your house? A He stayed there near a month.

Q You never saw this girl before the war yourself?

A No, sir, not to know her.

Q That was the first time you had ever seen her?

A Yes, sir; that is, to know her.

Q Did Jess Brown had any children of that woman? A The woman he had?

Q Yes. A After he left there?

Q Didn't have any then? A No, sir, had one seen after.

Q But didn't have any at that time? A No, sir.

Q Well, when did you ever see this woman again? A I never saw her any more for several years after he moved up here to Gosseneck.

Q Was she living there then with Jesse Brown? A Yes, sir, Jesse had her then.

Q Four or five years afterwards? A Yes, sir.

Q Up here on Gosseneck? A Yes, sir, she was pretty near to grown woman then.

Q Where do you say now Jess Brown went from your place? A He went up here towards Gosseneck bend, that is where he went to.

Q You don't know where he lived? A Not until four or five years afterwards I was at his house up there.

Q You are the fellow that testified about meeting some man that was ferrying across the river between Muskogee and Fort Gibson in '46 when he went backwards and forwards to Muskogee to trade didn't you? A Yes, sir.

Q And you testified in another case about driving some cattle, going 45 miles driving some cattle and back in the same day?

A I didn't say 45 I said from where Tom Knight lived.

Q From what place? A There on Rock Creek.

Q You have been a witness in a good many cases? A Yes, sir.

Melvina Farris, et al.--5.

Q You are not on the 1880 roll yourself? A No, sir.
Q Your citizenship is contested? A I don't know about that.
Q You are on a doubtful card? A Yes, sir, of course I know that.
Q Well, now, after you saw this girl living with Jess Brown four or five years afterwards, when did you next see her?
A Right here.
Q And this is the third time you have seen her since the war?
A Yes, sir.
Q And you remember now Jess Brown coming to your house 35 years ago? A Yes, sir.
Q Was her mother with her then? A No, sir.
Q Wasn't anybody but Jess Brown and his wife and t his girl?
A That is all I noticed.
Q What was Jess Brown's wife's name? A I don't know; don't recollect now, I knowed.
Q How old was this girl when she came to your house there?
A I don't know, right smart strip of a girl.
Q About what age would she be the first time you saw her?
A About eight or ten years old.
Q Did she have a brother or sister with her? A No, sir.
Q You know that she was living up there four or five years afterwards with Jess Brown on Gooseneck bend? A Yes, sir.
Q How far did you live from Jonas Ragsdale on Pryor Creek?
A I don't know how far it was.
Q About how far? A Jonas lived pretty well.
Q Were you ever at his house? A No, sir.
Q Do you know when he married? A No, sir, I don't know.

BY COK'R NEEDLES:

Q Did you know this girl's mother? A Yes, sir, I knowed her.
Q Who did she live with? A Oliver Ross.
Q Was she ever married? A I don't know whether she was married or not.
Q Well, did she ever live with a man as his wife? A She had children, I don't know whether she had married or not.
Q Did you know Andrew Frye? A Yes, sir.
Q Well, did Andrew Frye and Sophia, the girl's mother, live together? A I don't know.
Q How old are you Jim, 70? A 70.
Q You have been in this country a good while? A Yes, sir.
Q You have been in this country almost all your life?
A Yes, sir.

ALLEN LYNCH, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Allen Lynch.
Q How old are you, Mr. Lynch? A 61 years old.
Q What is your post office? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Viney Farris? A Yes, sir, I know her.
Q What was her mother's name? A Sophia Ross.
Q Do you know her father? A Yes, sir.
Q What is his name? A Andy Frye or Andy Clark used to be.
Q Did they live together as man and wife? A I don't know whether they did or not, no, sir.
Q Well, now, who did Sophia Ross, this girl's mother, belong to?
A She belonged to Oliver Ross.
Q Melvina belonged to Oliver also did she? A Yes, sir.
Q Well was Sophia Ross and Melvina taken out of the Cherokee Nation during the war between the North and South?
A Yes, sir.
Q Where to? A Went to Kansas.
Q Well when did they returned? A I don't know that.

Melvina Parris, et al.--6.

- Q When was the first time you saw Vinay here after the war?
A The first time I seen her was the time of the Wallace roll.
Q That was several years afterwards? A Yes, sir.
Q You don't know anything about when she returned and when Sophia, her mother, returned? A No, sir.
Q You saw her during the Wallace Court? A Yes, sir.
Q You know her since that? A Yes, sir.

BY MR. HASTINGS:

- Q Did you see her mother then? A No, sir.
Q Did she say where her mother was at that time? A Seems to me she said her mother was dead.
Q You don't know when she come back? A No, sir.
Q Where did Oliver Ross live? A Well he lived right down on the low edge of what we call the Marcus prairie, right down below the Orphan Asylum, below Locust Grove.
Q Where did Any Frye live? A He lived right up on the branch about three quarters of a mile from where Ross lives now.

BY COM'R NEEDLES:

- Q Was Oliver Ross a Cherokee? A Yes, sir.
Q Cherokee Indian? A Yes, sir.

MELVINA PARRIS, the applicant, recalled: BY MR. HASTINGS:

- Q When was the first time you saw your stepmother? A When I went North.
Q I mean after you come back here? A I saw her when I was about, good sized girl.
Q Well, how long after the war, as much as ten years? A Yes, sir.
Q Is that the best you can recollect? A I saw her a good many times at places but I never did come to their house, but I have seen her master a good many times.

BY COM'R NEEDLES:

- Q You say that you never drew any money for any of these younger children? A No, sir.

COM'R NEEDLES: Melvina Parris applies for the enrollment of herself and five children, to-wit: Elijah, Mattie, Lula, Leroy, Luther and Watt. She cannot be found upon any of the rolls of the Cherokee Nation except the Wallace roll and is duly identified upon the Wallace roll. She avers that she is a child of Andrew Frye by Sophia Ross. She avers that Sophia Ross was a slave of Oliver and Susan Ross, and that she was also a slave. She avers that she was taken out of the Cherokee Nation during the war, and returned in the year 1866; that she is now married to one William Parris, the father of the children for whom she applies. William Parris is what is known as a Statesman and not a Cherokee Freedman in his own right. They are all duly identified and make satisfactory proof as to residence. Now, Melvina Parris and her six children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further consideration of the Commission. She will be notified by mail of the action of the Commission in the premises. It will be necessary for applicant to make satisfactory proof of birth as to said six children, their names not being found upon any of the rolls.

SUPPLEMENTAL to the above Application:

Melvina Farris, et al.--7,

MILLIE FRYE, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Millie Frye.
Q How old are you? A I am 64.
Q What is your post office? A Vinita.
Q Are you a Cherokee Freedman? A Yes, sir.
Q On the roll of 1880? A Yes, sir.
Q Do you know Vinay Farris who has just applied to be enrolled?
A Yes, sir.
Q Did you know her mother? A Yes, sir.
Q Who was her mother? A Sophia Ross.
Q Was Sophia Ross and Melvina, were they slaves? A Yes, sir.
Q To whom did they belong? A Oliver Ross.
Q Was he a Cherokee citizen? A Yes, sir.
Q How long have you known Melvina? A I have known her ever since she was a baby.
Q You knew her mother, Sophia? A Yes, sir.
Q Was Sophia taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A To Kansas.
Q When did she return? A I can't tell you.
Q When did you first see Melvina after the war?
A I don't remember just when it was.
Q Well, about how many years afterwards? A I don't know, 18 or 20 years.
Q You never saw her, Millie, after the war? A She has lived with me while we were in Kansas.
Q Did she come back with Andy Frye? A No, sir.
Q Andy come first did he? A Yes, sir, he left her with her mother.
Q You don't know when she and her come home? A No, sir.
Q Andy is her father? A Yes, sir.
Q You married Andy afterwards? A Yes, sir.
Q Did Andy and Sophia live together as man and wife?
A Yes, sir and Oliver Ross lived out on the Verdigris and that separated them and he after he moved on there a while me and Andy was married.
Q Is Andy Frye living? A Yes, sir.
Q You say his name is on the roll of 1880? A Yes, sir.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant's father found thereon, page 259, #1074, Andrew Frye, Delaware District.

SUPPLEMENTAL JUDGMENT: The testimony of Millie Frye, who is now the wife of Andrew Frye, indicates that the said Andrew Frye and Sophia Ross lived together as man and wife a number of years before the war, and the said Andy Frye has been listed for enrollment and his name appears upon the authenticated roll of 1880 as per page and number of the roll as indicated in the testimony.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24 day of July, 1901.

[Handwritten signature]

Supl.-C.F.D.#772.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
MELVINA FARIS as a Cherokee freedman; introduced on part of the
Cherokee Nation:

Appearances:

L. T. Brown, Vibita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee Representative.

Mr. Brown: Comes now the Agent for the applicant and objects to any testimony tending to disprove the citizenship of this applicant for the reason that she is a descendant of a person whose name appears upon the authenticated roll of 1880 and the decree of the United States Court of Claims, No. 17,209, of date February 3, 1896, under which this Commission is making the roll of Cherokee freedmen, strictly prohibits introduction of any testimony tending to disprove the citizenship of any person whose name appears upon the authenticated roll of 1880; that this applicant during the war and after the close of the war was a minor and if she was entitled to take at all it was through her parents, one of whose names appear upon the authenticated roll of 1860.

Commission: The objection will be noted and the testimony heard.

HAYWOOD ROWE, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A Haywood Rowe.
Q Do you know Melvina Faris? A Yes, sir.
Q How long have you known her? A About 25 years.
Q Where was she when you first saw her? A Up here at Houston Rober's, her brother-in-law's.
Q /bout how old was she? A She was the mother of two children then.
Q She was grown? A Yes, sir.
Q Where was she living at that time? A Up in Kansas.
Q Do you know what place? A Up about, near Humbolt, or at Humbolt I don't know which.
Q Did you ever see her after that time? A Few years after that time she come down to see her sister again.
Q Where was she living at that time? A She was living at the same place.
Q Well, do you know where she is living now? A Yes, sir.
Q Where is she living now? A I don't know exactly, she is living up there near Gooseneck Bend.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know whether or not from the time you got acquainted with her up to the time she moved to the Gooseneck bend, she ever went back to Kansas? A I don't know.
Q Do you know her husband? A Yes, sir.
Q Were they married when she moved into the Cherokee Nation?
A Yes, sir.

Q Now, you first got acquainted with her about twenty how many years ago? A About between 23 and 25 years ago.

Q And you say she was a sister-in-law of Houston Rogers?

A Yes, sir.

Q They are living up there now about Gooseneck bend?

A Yes, sir.

Q About how long have they been living up there in the Cherokee Nation about Gooseneck bend? A About 18 years, just about that.

Q That was sometime in the early part of the eighties she moved into the Cherokee Nation? A Yes, sir.

Q Had you seen her in the Cherokee Nation prior to the time you saw her at Houston Rogers' place? A No, sir.

Q Had you ever seen her prior to that in your life? A No, sir.

MR. BROWN:

Q There was a lot of people in the Cherokee Nation you never saw until three or four years ago? A Yes, sir.

Q You say when you saw her in 1877, or somewhere along there, she was not married? A Yes, sir.

Q How do you know? A She said she was not married.

Q How come she to tell you that? A I saw her there and she said she was not.

Q Well, now, from 1866 until 1877, do you know where Melvina Faris lived? A Only what she told me.

Q What did she tell you? A She said she lived up in Kansas.

Q You say she was grown in 25 or 6 years ago? A She had two children.

Q Well, was she grown? A I don't know whether she was or not.

Q You have stated she was, I want to know whether that is true or not? A Yes, sir.

Q What is Melvina Faris' father's name? A I don't know her father.

Q What is her mother's name? A Sophia.

Q Did you know Sophia at the time the war broke out?

A No, sir.

Q You don't know whether she was here in the Cherokee Nation at the close of the war or not? A No, sir, only what she told me.

Q What did she tell you? A She said she went back to Kansas.

Q What did she say about her father? A She said Andy Frye was her father.

Q Andy Frye is a recognized citizen of the Cherokee Nation, is he not? A Yes, sir.

Q When did she move in there? A About 18 or 20 years ago.

Q How long was it from the time you saw her until you say she moved to the Cherokee Nation? A It must have been about four or five years.

Q Then if you saw her 24 or 5 years ago and she moved here four or five years, according to your estimate, after you first saw her, what year did you say she came to this country? A I don't know the date, it was about three or four years before the payment she came down to visit her people.

Q Where were you living at that time? A I was working for Clem Rogers.

Q How far is that from the place that Melvina Faris lived at that time? A I don't know; I never was up about Humbolt.

Q You say she moved down here four or five years after you saw her at Houston Rogers and you attempt to state what place she moved to; now I want to know how far it is from the place where you were staying to the place where you claim she moved? A About nine or ten miles from Clem Rogers' to Catsasa.

Q How do you know that when she moved on that place that was the first time she moved to the Cherokee Nation? A Her and her husband said so.

Q That is the only way you know it? A That is what they say.

Q You don't know where she lived prior to 24 or 25 years ago?

A No, sir, only what she said, she said her mother was up there and died and she come down here hunting her people.

Q Did you know Jess Brown during his lifetime? A No, sir.

Q At the time of his death he was a recognized citizen of the Cherokee Nation was he not? A Yes, sir.

Q Haywood, you have been a witness in a great many cases haven't you? A I think this is the third one.

Q You have never testified in this case before have you?

A Never did.

Q You were living in this country when the Wallace roll was made?

A Yes, sir.

Q And also when the Kern-Clifton roll was made? A I didn't go before Mr. Wallace.

Mr. Davenport: I object to any question about the Wallace roll because the Cherokee Nation was not represented in the making of the Wallace roll.

Q Well, now, Haywood, who did you first tell that you could testify about these facts? A I don't know; I don't know whether I told anybody or not, talking about these things all the time.

Q Did you ever tell any one that you knew these facts that you have testified to to-day? A I have talked about it to-day.

Q That is the first time you have told anyone what you claimed to know about these people? A No.

Q When was it? A It might have been in the spring,

Q Along about the time the application was made? A Yes, sir.

BENJAMIN NAVE, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A Benjamin Nave.

Q Where do you live? A Vinita.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Did you know a woman by the name of Melvina Faris? A Yes, sir.

Q Do you know her husband? A Yes, sir.

Q What is his name? A William Faris.

Q Where do they live now? A Last time I saw them they were living in Coffeyville, Kansas.

Q About how long ago was that? A About two years ago.

Q How long have you been acquainted with Melvina Faris?

A Ever since about '80.

Q Was she married then? A No, sir.

Q Where was she living when you got acquainted with her?

A Iola, Kansas.

Q Have you known her or met her often since that time? A Yes, sir; lived right by her.

Q How near have you lived to her since that time? A About three miles.

Q Where was she living when you lived that near to her? A On the Verdigris river.

Q Is that about where they call Goose-neck bend? A Yes, sir.

Q About when did she move to where she lived on the Verdigris river? A About a year before the Kern-Clifton payment.

Q Where was she living when you first got acquainted with her?

A Iola, Kansas.

Q Before she moved to the Cherokee Nation did she live at any other place than Iola? A Yes, she lived in Coffeyville.

Q Was she married when she lived in Coffeyville? A Yes, sir.

Q Was she married with reference to the time she moved to the Cherokee Nation? A I don't know just when she married this man, but when I met her there in Coffeyville she was living with this man and had two children.

Q Well, about when now did she move from Kansas down to the Cherokee Nation? A Into the Cherokee Nation from Coffeyville?

A Yes. A It was about a year before the Kern-Clifton payment.

Q Did you ever know Jess Brown's family? A Yes, sir.

Q Where did they live? A Lived just across the river from where she lived.

Q Are any of them living up there now? A Yes, sir; some children.

Q How far is it from where Melvina Faris lived to the place where Jess Brown's family lived? A About three miles and a half.

Q Practically same neighborhood? A Yes, sir.

Q Do you know whether or not Melvina Faris' mother was living at the time she moved to the Cherokee Nation? A Yes, sir.

Q About how old was Melvina when you got acquainted with her?

A She was a grown woman.

IF. BROWN:

Q You say her mother was living at the time you got acquainted with her? A What she called mother.

Q Her name was Sophia Ross? A No, sir.

Q What was her name? A She was living with a man named Jonas Carter.

Q Now, don't you know as a matter of fact that her mother died before the war closed? A No, sir, I ~~know~~ don't know anything about what happened before the war closed.

Q Are you prepared to state that is not a fact? A Which is not a fact?

Q That her mother didn't die before the war closed? A The one she was living with and one she called mother didn't.

Q How old are you? A I am 39 years old, be 40 next birthday.

Q Did you go out of the Cherokee Nation during the war?

A I don't know whether I did or not.

Q Don't know when you returned do you? A No, sir.

Q Now, have you ever lived in Kansas? A Yes, sir.

Q How long? A About 12 months.

Q Never lived any longer than that? A No, sir.

Q How long did you live in Oswego? A About 12 months.

Q You swear that? A Yes, sir.

Q What were you doing up there at Ioka? A Visiting.

Q How did you fix the date? A It was after the payment I went from Tahlequah with Bill Ross after a span of miles and when we got up there we stopped with Jonas Carter and this woman was there.

Q Where were you in 1890 or 1891? A In Fort Smith and up around in the Territory.

Q Where was your home? A Didn't have any home.

Q You are the same Benjamin Hove that gave an affidavit in the Tom Bell case before J. W. Wallace? A No, sir.

Q You swear that? A Yes, sir.

Q You know what J. W. Wallace made a roll don't you?

A Yes, sir.

Q And you never made any affidavits relative to his citizenship in the town of Hockage in the year 1891? A No, sir.

Q Just as positive about that as any other matter you testified to, aren't you? A Yes, sir.

Q Now, you say you saw her in Humbolt? A No, sir.

Q You did see her in Coffeyville? A Yes, sir.

Q About what time of the year did you see her there?

A I could not tell you.

Q About what year was it? A It was just before the payment.

Q What payment? A Kern-Clifton.

Q Where was she prior to the time you saw her in Iola in 1880?

A I don't know all the places I saw her.

Q Name one place? A She lived in Coffeyville.

Q Prior to 1880? A Yes, sir.

Q Now, from the time you saw her in Iola in 1880 and the time you saw her in Coffeyville, which you say was one year before the Kern-Clifton payment, where did she live? A She lived in Coffeyville Kansas when I met her there.

Q Now, from the time you claim you saw her in Iola in 1880 until you saw her in Coffeyville in a year before the Kern-Clifton payment, where did she live? A She lived in Iola when I got acquainted with her. She lived in Coffeyville the next time I met her, and if she lived anywhere else before that I am not prepared to tell you.

Q How long was it from the time you saw her in Iola, Kansas, until you met her in Coffeyville? A It was ten or 15 years.

Q And you have already testified that you saw her in Coffeyville prior to 1880? A No, I didn't say that.

Q You didn't say that? A If I said; I saw her in Iola in 1880.

Q You are just as positive you have testified to that as any other statement you made? A I didn't say I seen her in Coffeyville in 1880.

Q You are just as positive that you have not testified that you saw this woman in Coffeyville, Kansas, prior to the year 1880 as you are to anything else you have testified to? A If I said that I didn't mean to, because I didn't see her there in 1880.

Q You have been a witness in a great many cases? A No, sir.

Q You have been in the employ of the Nation most of the time since April? A No, sir.

Q You have not? A No, sir.

MR. DAVENPORT:

Q If you were in the employ of the Nation at present would that cause you to tell a lie about having seen this woman in Kansas in 1880? A No, sir.

Q Would it cause you to tell a story about having seen her in Coffeyville prior to the Kern-Clifton Commission? A No, sir.

Q When did you come down to this enrollment? A This morning.

Q From your home in Vinita? A Yes, sir.

Q Were you subpoenaed here? A Yes, Yes, sir.

MR. BROWN:

Q This is not the first time you have been coming here?

A No, sir, I have been here ever since this here was a town.

Q I mean ever since the enrollment was here? A No, sir.

Q You have been subpoenaed here several times? A Once before.

Q You stayed several days? A Yes, sir.

REES CRAVENS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A Rees Cravens.

Q Where do you live? A I live at Vinita.

Q How long have you lived at Vinita? A About five or six years.

Q Did you ever live at Iola, Kansas, or near there? A Yes, sir.

Q About how long since you lived there? A Oh, it has been eight or nine years.

Q While you were living at Iola, Kansas, or near there, did you ever get acquainted with a colored woman by the name of Melvina Ross or Melvina--I don't know what name she went by then, did you ever get acquainted with a woman by that name? A Yes, sir.

MR. BROWN:

Q Mr. Cravens, have you ever been convicted of a felony?

Mr. Davenport: I object.

Commission: Note the objection and answer the question.

A I ain't being tried.

Mr. Davenport: Answer his question if you have been convicted of a felony.

A I don't know what you call a felony is.

MR. BROWN:

Q Have you ever served a term in the Penitentiary?

A Yes, sir.

Mr. Brown: I object to his testifying.

Q Served your time? A No, sir.

Q Were you pardoned? A Yes, sir.

Q Have you got your pardon with you? A No, sir, but I can prove it.

Q Where is it? A It is at home; I got it from Gov. Andy.

Q Have you ever been convicted of a felony here in the Indian Territory? A Yes, but it was on proof.

Q You pled guilty? A Yes, sir.

Q You served your time? A Yes, sir.

Mr. Brown: I object to his testifying.

MR. DAVENPORT:

Q You don't know what a felony is? A I was discharged.

Q You pled guilty to what? A Selling whisky.

Q And you served a jail sentence? A Yes, sir.

Q You say you got acquainted with a girl by the name of Melvina at Iola, Kansas? A They called her Viny Frye.

Q Have you seen her since you got acquainted with her at Iola?

A Yes, sir, I seen her there.

Q After you came here to this country? A I seen her twice in this country.

Q What name does she go by now? A Melvina Faris.

Q When was it you first got acquainted with her at Iola, Kansas?

A Along in '80.

Q Do you know whether she was living there at that time or not?

A Yes, she was living there.

Q How long did she live there to your knowledge after you got acquainted with her? A About seven or eight years.

Q Do you know whether she was living with any one there that she called mother? A I was not personally acquainted with her mother. They called her Aunt Sophia, I wasn't acquainted with her mother.

Q About what size was she when you got acquainted with her?

A I would take her to be between 17 or 18 years old.

Q That was along somewhere in 1880? A Yes, sir.

Q About grown then? A I would take her to be that.

Q Do you know where she is living now? A No, sir.

Q Do you know her husband, William Faris? A Yes, sir.

Q Is he a Minister of the Gospel? A Yes, sir, that is what he claims to be.

Q Did you ever know of her living anywhere else besides Iola, Kansas? A No, sir.

MR. BROWN:

Q Craven, where did she live prior to 1880? A Iola, Kansas.

Q Did you say you knew her prior to that time? A No, sir.

Q You said her mother's name was Sophia? A That is what they all said it was.

Q Where did you know her mother? A I didn't say I knew her mother. Her mother's name was Sophia, her stepfather's name was Jones Carter.

Q Where was she in 1880? A I don't know. That is what they said her mother's name was.

Q How long did you live in the State of Kansas, Craven?

A I don't know, you see I have been there many often and on since.

the war.

Q Well, now, prior to the year 1880 you cannot state where the applicant in this case lived can you? A Where she was living in 1880?

Q Prior to 1880 can you state where this applicant lived? A I know where she ~~was~~ started to go when she left there.

Q Please answer my question? A I didn't say prior up to where she lived all the time, when she left there.

Q Now, when did she leave there? A I know she left there in 1880.

Q How do you fix 1880? A I was living there myself.

Q Do you know what year this is? A This is 1881, isn't it.

Q I thought you met her in Kansas? A I don't know when I met her, I know when she left there.

Q Do you know when the Kern-Clifton roll was made? A I don't know whether I was here or not.

Q You don't know whether you were here or not when this Kern-Clifton payment was made? A Yes, sir.

Q When was that? A I don't know.

Q Do you remember when the Wallace roll was made?

A I wasn't here.

Q What year were you born? A I don't know, I was born in somewhere-

Q In what year were you first arrested? A I don't know.

Q You have been a great many times? A No, sir.

Q You were arrested one time for robbery? A No, sir.

Q Wasn't you arrested one time for breaking in a house on one Sunday morning? A No, sir.

Q And you deny that you served a sentence in the penitentiary?

A No, sir.

MR. DAVENPORT:

Q You say you don't know what year this is?

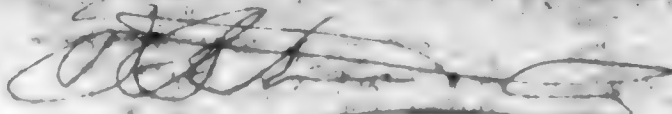
A I don't pay any attention to the year; I know this is the woman though.

Commission: This testimony will be filed in and made a part of the record in the following Cherokee Freedmen cases: D.-773, D.-803, D.-848, and in the case at bar.

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J. O. Robson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 27, 1902.



Commissioner.

Stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 10th day of July, 1903.

J. H. Reuter
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

JUL 19 1903

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Reuter

P. D-772.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 28, 1902.

In the matter of the application of Melvina Farris for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-772.

APPEARANCES:

Lewis T. Brown for applicant.
W. W. Hastings for Cherokee Nation.

MR. BROWN: The applicant desires to be allowed fifteen days in which to secure from the warden of the state penitentiary at Leavenworth a certified copy of the record in his office showing that the witness Reese Gravens introduced on the part of the Cherokee Nation, February 24, 1902, was convicted in the state of Kansas of burglary and grand larceny.

MR. HASTINGS: The Cherokee Nation objects to this request for the reason that application was made by Melvina Farris for herself on June 19, 1901, and that almost a year now has elapsed since she filed the original application, and that the witness Reese Gravens who testified in this case testified in February, 1902, about four months ago, and that plenty of time and opportunity has been given the applicant to get testimony; and further, that an order was made that all of these cases would be closed on May 31, 1902, which is day after tomorrow, and within the fifteen days requested by the applicant in this case; that the applicant cannot plead surprise that he pretended to know of this testimony at the time Reese Gravens took the stand, and plenty of opportunity has been given him to get it in case he deemed it necessary to get it and file it in this case.

COMMISSIONER BRECKINRIDGE: The notice with respect to these cases was not so much that they would be absolutely closed as that they would be deemed completed, and that the Commission would proceed as rapidly as possible to pass judgment; but it is not considered that the Commission took any step or intended to take any step that prevented it from securing material evidence that might be found necessary in order to arrive at a satisfactory conclusion. There is no probability that the Commission will be able to pass judgment on the cases now being completed within the next fifteen days, and special attention is now called to what is alleged in connection with this witness, and if the Commission finds that his testimony is material and that it is ~~shown~~ essential to establish his credibility or otherwise, it will itself take steps to secure information to that end, and inasmuch as a doubt is now entertained in regard to the credibility of this witness the Commission will receive evidence upon that point that may be submitted before this case is finally passed upon. If either of the parties in interest desire to submit anything in that particular they are requested to do so as soon as practicable and within the fifteen days that has been suggested.

Arthur S. Croninger, being first duly sworn, states that as

Statement to the Commission to the U.S. National Academy of Sciences
regarding the testimony and conclusions of the Commission
that the following is a true and correct statement of the
graphic image of the image.

Arthur G. Croninger

Subscribed and sworn to before me this 10th day of July, 1940.

J. R. Rutter
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Melvina Farris, et al.,
for enrollment as Cherokee Freedmen, consolidating the applications
of

| | | |
|------------------------------|-------------------|-------|
| Melvina Farris, et al.,..... | Cherokee Freedmen | D 772 |
| Solomon Farris,..... | " | D 773 |
| Frederick Farris,..... | " | D 803 |
| Bertha Baldridge,..... | " | D 848 |

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Melvina Farris for herself and her minor children, Elijah, Mattie, Lala, Leroy and Luther Farris, and subsequent to her original application, an affidavit was filed showing the birth of her minor child, Watt Farris, and the same is made a part of the record herein; by Melvina Farris for her adult son, Solomon Farris, who is of unsound mind; by Frederick Farris for himself; and by Bertha Baldridge for herself.

The evidence shows that the applicant, Melvina Farris, was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until about one year prior to the Kerns-Clifton payment, which was made in 1897. It does not appear that her husband, William Farris, was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The evidence further shows that all the other applicants herein were born since 1866, and are the descendants of said Melvina Farris, claiming the right to enrollment through her. It does

not appear that the names of any of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Melvina Farris, Elijah Farris, Mattie Farris, Lula Farris, Leroy Farris, Luther Farris, Watt Farris, Solomon Farris, Frederick Farris and Bertha Baldrige as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Dixby

Chairman.

(SIGNED)

I. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

(SIGNED)

W. E. Stanley

Commissioner.

Dated at Muskogee, Indian Territory,
this Jul 1 - 1903

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 2 1901



ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Melvina Farris
for enrollment as Cherokee Freedmen:
Case No. F. D. 772

To Melvina Farris Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 24th 1901 at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings
J. D. Thompson
Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss
NORTHERN DISTRICT.

In the matter of the application of Melvin

Farris

for enrollment as a Cherokee Freedman.

No. F. D. 772

Henry Pack, of lawful age, being duly sworn on
bath states that on the 25th day of September, A. D., 1901, he registered
to Melvin Farris whose postoffice is Lenapeah

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fork Lebror Indian Territory;
and that on the 28th day of September, 1901, he received the return
card which is hereto attached, signed by the said Melvin Farris, showing
that he had received said notice.

Henry Pack
Subscribed and sworn to before me on this the 28th day of Sept, A. D. 1901.


J. C. Street
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 25 1901



ACTING CHAIRMAN.



COMMISSIONERS:

HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Visita 21 Oct 25 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Melvin F. [REDACTED] et al for enrollment as
Cherokee Freedmen.

No. 710.772

Louis H. Bacon
Agent for applicants

F. D. 772

R

7772

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190.....

Given under my hand this
day of A. D. 190.....

Marshal for the Cherokee Nation.

I, the undersigned *agent* for the
within named applicant hereby accept
service of the within notice on this the

14 day of *July*, 190*1*.
John S. Brown
agent Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190.....

Subscribed and sworn to before me
this

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 17 1902

[Signature]
ACTING CHIEFMAN

NOTICE!

IN THE MATTER OF the application of Melvina Farris et al
for enrollment as Cherokee Freedmen:

Case No. F. D. 772

To Melvina Farris et al *Lewis Brown agent*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 24th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 8th day of February, 1902,

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

Cherokee Freedmen
D-772.

Muskegee, Indian Territory, July 11, 1903.

Louis T. Brown,

Agent for Melvina Farris, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Melvina Farris, et al., rejecting, among others, the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther and Watt Farris, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Register.

Enc. M-68.

COPY.

Cherokee Freedmen
D-772, D-773,
D-803, D-848.

Muskogee Indian Territory, July 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the consolidated case of Melvina Farris, et al., including the Commission's decision, dated July 1, 1903, rejecting the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Solomon and Frederick Farris and Bertha Baldrige, as Cherokee Freedmen.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-70.

COPI
Cherokee Freedmen
D-772, D-773,
D-803, D-848.

Muskogee, Indian Territory, July 11, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Melvina Farris, et al., rejecting the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Solomon and Frederick Farris, and Bertha Baldrige, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Needles

Commissioner in Charge.

Enc. H-69.

Cherokee Freedmen
D-772, D-773.

Muskogee, Indian Territory, July 11, 1903.

Melvina Farris,

Denapah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your son, Solomon Farris, as a Cherokee Freedman, together with a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Melvina Farris, et al., rejecting the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt and Solomon Farris, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

Enc. H-65.

LAND 44286-1904.

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, MARCH 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated July 11, 1903, transmitting record relative to the application of Melvina Farris et al., for enrollment as Cherokee freedmen.

Melvina Farris applied for the enrollment of herself and her minor children, Elijah, Mattie, Lula, Leray and Luther Farris. Subsequent to her original application she applied for the enrollment of Watt Farris, born since the date of the original application. Watt Farris is properly identified by a birth affidavit. She also applied for the enrollment of her adult son, Solomon Farris who is of unsound mind. Frederick Farris and Bertha Malbridge applied for the enrollment of themselves.

Melvina Farris nee Frye, belonged to Susan and Oliver Ross at the commencement of the war. They were citizens of the Cherokee Nation. She was taken to Kansas during the war. All of the applicants to the case, except the principal applicant, are her descendants. The record does not show that the names of any of them appear on the Cherokee roll of 1890. Neither does it show that

William Farris, husband of Melvina Farris, was a slave of a Cherokee citizen or of a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

From the record it does not seem that the principal applicant returned to the Cherokee Nation in good faith prior to the expiration of the time limit fixed by the treaty of 1866, and it is therefore recommended that the decision of the Commission of July 1, 1903, adverse to them be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

G.A.W.-L.C.

D. C. 16226-1904.

JP THE LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

ITS 2312-1904.

May 13, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 11, 1903, you transmitted the record of proceedings in the consolidated Cherokee Freedmen case of Melvina Farris et al., including your decision of July 1, 1903, rejecting the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Solomon and Frederick Farris and Bertha Baldrige.

Reporting in the matter March 15, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-972.

Muskogee, Indian Territory, May 20, 1904.

Melvina Farris,

Lenapeh, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, the application for the enrollment of yourself and your minor children, Elijah, Mattie, Lula, Leroy, Luther and Watt Farris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 13, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-572.

Muskogee, Indian Territory, May 20, 1904.

Louis T. Brown,

Agent for Melvina Farris et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther and Watt Farris as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 13, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-772 et al.

Muskogee, Indian Territory, May 20, 1904.

W.V. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, in the consolidated case of Melvina Farris et al., rejecting the applications for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Frederick and Solomon Farris and Bertha Baldrige as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 13, 1904.

Respectfully,

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:
Charles Freeman
2-304

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

W. O. Beall
Wichita, Indian Territory, May 28, 1906.

Melvina Farris,

Lawson, Indian Territory.

Dear Madam:-

You are hereby advised that the motion filed by
your attorneys September 7, 1905, for a review in your Charles
Freeman enrollment case, was dismissed by the Department
May 2, 1906.

Respectfully,

W. O. Beall
Acting Commissioner.

Muskogee, Indian Territory, May 28, 1906.

Bluc & Bulger,

Attorneys for Eliza A. Arnold, et al.,
Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

WEP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC

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X 0717

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 19 1901



ACTING CHIEF

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 19, 1901

Post Office

District

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

11. Name of wife Melvinia Farris

Age 46

Owner's name Wm. Ross

Citizenship Cherokee

Year Wallace Page 185

No. 339

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children

21. Elijah Farris

Year

Page

No.

Dist.

18

31. Matthie

Year

Page

No.

Dist.

15

41. Lula

Year

Page

No.

Dist.

13

51. Leroy

Year

Page

No.

Dist.

10

61. Lester

Year

Page

No.

Dist.

7

71. Watt

Year

Page

No.

Dist.

4

9.

Year

Page

No.

Dist.

10.

Year

Page

No.

Dist.

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by Mr. 1

Stenographer

J. C. Ross

1 On Wallace roll as Viney Ross

2, 3, 4, 5, 6, and 7 Birth affidavits required.

714

FD 972

OFFICE OF THE ATTORNEY GENERAL
STATE OF NEW YORK

MAR 22 1902

ACTING SECRETARY

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Melvina Farris,

Lenapah, I. T.

Cherokee F-D-772

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

REGISTRY RECEIPT.

Post Office at.....

Registered Letter
Parcel

No. 362

Post

, 190

of

addressed to

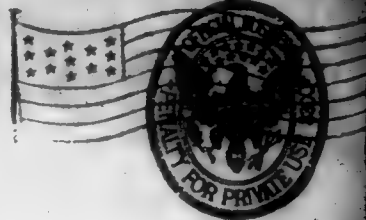
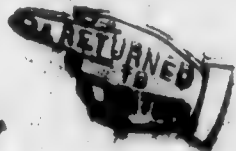
Edw. Ross
Lenapah, Ind.
Lenapah, Ind.

SEP 21 1901
GIBSON, I. T.

P. M.

Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Melvina Farris,
Lenapah, Indian Territory.

ENCLOSURE

JK-304

Cher. Fr. R. 305

See Cher. Fr. R. 304

Cher. Fr. R. 305

VINE 00 1001
MILLIE
COMMISSION IN THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Q Well, about how many years afterwards? A I don't know, 18 or 20 years.

Q You never saw her, Millie, after that? A She lived with me while we were in Kansas.

Q Did she come back with Andy Frye? A No, sir.

Q Andy come first did he? A Yes, sir, he left her with her mother.

Q You don't know when she and her come? A No, sir.

Q Andy is her father? A Yes, sir.

Q You married Andy afterwards? A Yes, sir.

Q Did Andy and Sophia live together as man and wife? A Yes, sir, and Oliver Ross lived out on the Verdigris and that separated them and after he moved out there a while me and Andy was married.

Q Is Andy Frye living? A Yes, sir.

Q You say his name is on the roll of 1880? A Yes, sir.

The 188 Authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant's father found thereon, page 259, #1074, Andrew Frye, Delaware district.

SUPPLEMENTAL JUDGMENT: The testimony of Millie Frye, who is now the wife of Andrew Frye, indicates that the said Andrew Frye and Sophia Ross lived together as man and wife a number of years before the war, and the said Andy Frye has been listed for enrollment and his name appears upon the authenticated roll of 1880 as per page and number of the roll as indicated in the testimony.

---0000000000---

given to the Commission. She will be notified by mail of J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the

To be filed with case of Solomon Farris, C. F. D. #773.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES;
NOWATA, I.T., JUNE 19th, 1901.

In the matter of the application of Melvina Farris for the enrollment of herself and four children as Cherokee Freedmen; said Farris being sworn and examinee by Commissioner T. E. Needles, testified as follows:

- Q What is your name? A Melvina Farris.
Q How old are you? A I don't know exactly how old I is.
Q Well, about how old? A I guess I am about 46 or 7.
Q What is your post office? A Lenapah.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many? A Nine.
Q Are you married? A Yes, sir.
Q What is your husband's name? A William Farris.
Q Is your name on the roll of 1880? A It ought to be on there.
Q What is your father's name? A Andy Frye.
Q What is your mother's name? A Sophia Ross.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir, she is dead.
Q Now, give me the names of your children under 21 years of age, commencing with the oldest? A Solomon.
Q How old is he? A 25; he is not right bright, he can't tell me his own age.
Q How, give me the names of the children that are under 21 and not married? A Elijah.
Q How old is Elijah? A 18.
Q The next one? A Mattie, 15; Lula, 13; Leroy, 10.
Q Next one? A Luther, seven; Watt is four.
Q Is that all? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q Where is he? A He is on the ground here.
Q You don't apply for him? A No, sir.
Q Are you and he living together? A Yes, sir.
Q Were you ever married before? A No, sir.
Q Your maiden name was Ross? A Frye, my mother never was enrolled; my father was enrolled.
Q Did you draw what is known as strip money? A No, sir, my name was displaced.
Q Did you ever draw any money? A Yes, sir, drew on the Wallace roll.
Q Did you draw for any of these children? A Drew for the three oldest one.

The 1880 Authenticated, the 1896 Census and Kern-Clifton Rolls ~~exam~~ of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 185, #3390, Viney Ross, no district given.

- Q You never drew for these younger children did you? (No response.)
Q Have you any witnesses here? A Yes, sir.
Q Who are they? A Jim Alberty and Allen Lynch.
Q Where were you born? A I was born in the Territory.
Q Cherokee Nation? A Yes, sir.
Q Lived there all your life? A Yes, sir.
Q What is your father's name? A Andy Frye.
Q Is he a Cherokee Freedman? A Yes, sir.
Q Name on the roll of 1880? A Yes, sir.

Q What was your mother's name? A Sophia Ross.
Q Is her name on the roll of 1880? A No, sir.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A Susie Ross and Oliver Ross.
Q Is she living? A No, sir, she is dead.
Q Was Susan Ross and Oliver Ross Cherokee citizens? A Yes, sir.
Q You were born a slave yourself? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Up North.
Q Your mother with you? A Yes, sir.
Q What part of the North? A Kansas.
Q Well, when did you return from Kansas? A In '66.
Q Who did you return with? A Uncle Jess Brown brought me down.
Q How long did your mother live after that? A I don't know exactly how long she lived.
Q Where did you come to? A Uncle Jess Brown brought me, I was at his house.
Q Is he living? A No, sir, he is dead.
Q Was your mother dead before 1880, 20 years ago? A She died right away after the war.
Q Who raised you yourself? A I stayed around with my brothers.
Q Who were your brothers? A George Ross and Jonas Ragsdale.
Q Are they living? A Yes, sir.
Q Are their names on the roll of 1880? A Yes, sir.
Q Why isn't your name there? A I don't know.
Q Your brother you say was Jonas Ragsdale? A Yes, sir.
Q And who else? A George Ross.
Q Are they older or younger than you? A They are younger.
Q You have always lived in the Cherokee Nation? A Yes, sir.
Q How many times have you been married? A Once.
Q To William Farris, is he living? A Yes, sir.
Q Is he the father of all these children? A Yes, sir.
Q Are these children all living at this time? A Yes, sir.
Q Is your husband a citizen? A Adopted citizen.
Q He is known as a state man? A Yes, sir.
By W. W. Hastings, Cherokee Representative:
Q Where did Jess Brown live when you come down? A I don't know, sir. I was too small to remember it, I know Uncle Jess brought me down.
Q Was Uncle Jess living down in this country? A I don't know, sir, where he was living.
Q Well, if you were too small to remember where he was living, wasn't you a little too small to know the date? A I always know I was brought down in '66 because I just lived around with my brothers, because I had no mother.
Q Well, where did you live when you first come down here?
A I lived with my Brother Jonas on Pryor Creek.
Q Well, where did you first see Jim Alberty? A I don't know, sir, whereabouts the first I ever saw him.
Q You don't remember that? A No, sir.
Q Well, did you stay with Jess Brown a while after you came down here? A Yes, sir.
Q Well, you don't remember what part of the Cherokee Nation he was living in? A No, sir.
Q About how many years after the war did your mother live?
A I don't know how many, I was quite a small when my mother died.
Q Did she die in the Nation? A No, sir, she died in the Nation.
Q And Jess Brown went up and brought you down? A Yes, sir.
Q Did the rest of Jess Brown's family come with you?
A I don't know whether it was his family or not.
Q Do you remember what other folks come with him? A No, sir.
Q Is any of Jess Brown's folks living? A I don't know, sir, where there is or not.

Q Well, you were about ten years old then wasn't you?
A Probably I was, I don't recollect anything about slavery.
Q I mean when you come down here? A Probably I was about that old, I don't know.
Q Well, who did you go to living with first when you come down here?
A My brother Jonas.
Q Did you go to keeping house? A No, sir, he was married.
Q He was living down here when Jess brought you down?
A Yes, sir.
Q Jess brought you down and you found out where your brother was living? A I stayed with uncle Jess and when I found out where my brother Jonas was I went to him.
Q You didn't come back with your brother? A My brother was already here.
Q Well, you don't know about how long you stayed with Jess Brown?
A No, sir, I don't.
Q Do you think you stayed as much as a year? A I don't know whether it was or not.
Q Do you remember what time of the year it was Jess brought you down? A No, sir.
Q Don't know whether it was spring, summer or fall? A No, sir.
Q Do you know what time of the year it was you went to live with your brother Jonas? A Yes, sir, it was in the fall when I went to live with him.
Q You don't know how long you had been at Jess Brown's then?
A No, sir.
Q Jonas was living on Pryor Creek you say? A Yes, sir.
Q He was married then? A Yes, sir.
Q Did he have any children at that time? A He had two.
Q What were their names? A Sophia and one was named Viney.
Q That was when you went there? A Yes, sir.
Q How much older was your brother than you? A I don't know how much older or younger than I was.
Q He was grown when the war broke out? A Yes, sir.
Q Was Jonas married when the war broke out? A No, sir.
Q Do you know where he was married? A No, sir.
Q Did he marry after he come back here? A He must.
Q He had two children when you went down there? A Yes, sir.
By com'r Needles: Was Andy Frye your father? A My natural father, my step-mother is here on the ground now.
Q Sophia Ross was your mother? A Yes, sir.
Q Was Andy Frye and Sophia Ross married? A They were living together as man and wife.
Q Did they go to Kansas together? A My mother went to Kansas, they didn't go together, she had the consumption.
Q Your mother was a slave? A Yes, sir.
Q And belonged to? A Oliver Ross.
By Mr. Hastings: You were a slave yourself? A Yes, sir, but I was small.

JIM ALBERTY, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What is your name? A Jim Alberty.
Q How old are you, Jim? A 70 years old.
Q What is your postoffice? A Chouteau.
Q You claim to be a Cherokee Freedman? A Yes, sir.
Q Do you know the applicant here, Melvina Farris? (No response.)
Q Do you know her by the name of Melvina Frye? A Yes, sir.
Q How long have you known her? A Well I don't know, I have known her pretty near all her life.
Q Was she ever married? A When I saw her last she wasn't married.
Q What was her father's name? A Andy Frye.
Q What was her mother's name? A I forget her mother's name.
Q Well do you know whether Melvina was a slave? A Yes, sir, I think she was, I don't know whether she was born a slave or not; I

knew her mother was.

Q Sophie Ross? A Yes, sir; that is the name.

Q To whom did Sophia belong? A Oliver Ross.

Q Well, was Sophia taken out of the Cherokee Nation during the war, do you know? A No, sir, I don't know.

Q When was the first time you saw this Viney Ross after the war?

A This girl?

Q Yes. A When Jesse Brown come back from Kansas in '66, he brought her back I saw her there in that year.

Q At Jesse Brown's house? A Yes, sir.

By Mr. Hastings: Where was Jess Brown living? A He was living at my house at that time when he first come back here, down on the river.

Q Down on Grand river? A Yes, sir.

Q Did Jesse Brown have a family? A Yes, sir, he had a wife and no children.

Q How long did this girl stay down there? A I don't know; when he left there and went away with her I never saw her any more.

Q He took her away with him? A Yes, sir, took her up here to where he lived; he built out there on Gooseneck bend.

Q And he went up there did he? A Yes, sir.

Q How long did he stay down at your house? A He stayed there near a month.

Q You never saw this girl before the war yourself? A No, sir, not to know her.

Q That was the first time you had ever seen her?

Q Yes, sir; that is, to know her.

Q Did Jess Brown have any children of that woman? A The woman he had.

Q Yes. A After he left?

Q Didn't have any then? A No, sir, had one soon after.

Q But didn't have any at that time? A No, sir.

Q Well, when did you ever see this woman again? A I never saw her any more for several years after he moved up here to Gooseneck.

Q Was she living there when with Jesse Brown? A Yes, sir, Jesse had her then.

Q Four or five years afterwards? A Yes, sir.

Q Up here on Gooseneck? A Yes, sir, she was pretty near to grown woman then.

Q Where do you say now Jess Brown went from your place? A He went up here towards Gooseneck bend, that is where he went to.

Q You don't know where he lived? A Not until four or five years afterwards as I was at his house up there.

Q You are the fellow that testified about meeting some man that was ferrying across the river between Muskogee and Fort Gibson in '66 when he went backwards and forwards to Muskogee to trade didn't you? A Yes, sir.

Q And you testified in another case about driving some cattle going 45 miles driving some cattle and back in the same day?

A I didn't say 45 I said from there Tom Knight lived.

Q From what place? A There on Back Creek.

Q You have been a witness in a good many cases? A Yes, sir.

Q You are not on the 1880 roll yourself? A No, sir.

Q Your citizenship is contested? A I don't know about that.

Q You are on a doubtful card? A Yes, sir, of course I know that.

Q Well, now after you saw this girl living with Jess Brown four or five years afterwards, when did you next see her?

A Right here.

Q And this is the third time you have seen her since the war?

A Yes, sir.

Q And you remember now Jess Brown coming to your house 35 years ago? A Yes, sir.

Q Was her mother with her then? A No, sir.

Q Wasn't anybody but Jess Brown and his wife and this girl?

A That is all I noticed.

Q What was Jess Brown's wife's name? A I don't know; don't recall.

lect now, I knowed.

Q How old was this girl when she came to your house there?

A I don't know, right smart strip of a girl.

Q About what age would she be the first time you saw her?

A About eight or ten years old.

Q Did she have a brother or sister with her? A No, sir.

Q You know that she was living up there four or five years afterwards with Jess Brown on Gooseneck bend? A Yes, sir.

Q How far did you live from Jonas Ragsdale on Pryor Creek?

A I don't know how far it was.

Q About how far? A Jonas lived pretty well.

Q Were you ever at his house? A No, sir.

Q Do you know when he married? A No, sir, I don't know.

By Com'r Needles: Did you know this girl's mother? A Yes, sir, I knowed her.

Q Who did she live with? A Oliver Ross.

Q Was she ever married? A I don't know whether she was married or not.

Q Well, did she ever live with a man as his wife? A She had children, I don't know whether she had married or not.

Q Did you know Andrew Frye? A Yes, sir.

Q Well, did Andrew Frye and Sophia, the girls' mother, live together? A I don't know.

Q How old are you Ji, 70? A 70.

Q You have been in this country a good while? A Yes, sir.

Q You have been in this country almost all your life?

A Yes, sir.

ALLEN LYNCH, being sworn and examined by Commissioner

T. B. Needles, testified as follows:

Q What is your name? A Allen Lynch.

Q How old are you, Mr. Lynch? A 61 years old.

Q What is your postoffice? A Vinita.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Do you know the applicant here, Viney Farris? A Yes, sir, I know her.

Q What was her mother's name? A Sophia Ross.

Q Do you know her father? A Yes, sir.

Q What is his name? A Andy Frye or Andy Clark used to be.

Q Did they live together as man and wife? A I don't know whether they did or not, no, sir.

Q Well, now, who did Sophia Ross, thir girl's mother, belong to? A She belonged to Oliver Ross.

Q Melvina belonged to Oliver Ross a, so did she? A yes, sir.

Q Well was Sophia Ross and Melvina taken out of the Cherokee Nation during the war? between the North and South? A Yes, sir.

Q Where to? A Went to Kansas

Q Well when did they return? A I don't know that.

Q When was the first time you saw Viney here after the war?

A The first time I seen her was the time of the Wallace roll?

Q That was several years afterwards? A Yes, sir.

Q You don't know anything about when she returned and when Sophia, her mother, returned? A No, sir.

Q You saw her during the Wallace Court? A Yes, sir.

Q You know her since that? A Yes, sir.

By Mr. Hastings: Did you see her mother then? A No, sir.

Q Did she say where her mother was at that time? A Seems to me she said her mother was dead.

Q You don't know when she come back? A No, sir.

Q Where did Oliver Ross live? A Well he lived right down on the low edge of what we call the Maroon prairie, right down below the Orphan Asylum, below Locust Grove.

Q Where did Andy Frye live? A He lived right up on the branch about three-quarters of a mile from where Ross lives now.

By Com's Needles: Was Oliver Ross a Cherokee? A Yes, sir.
Q Cherokee Indian? A yes, sir.

MELVINA FARRIS, the applicant, recalled:

By Mr. Hastings: When was the first time you saw your step-mother? A When I went North.

Q I mean af ter you come back here? A I saw her when I was about, good sized girl.

Q Well, how long after the war, as much as ten years? A Yes, sir.

Q Is that the best you can recollect? A I saw her a good many times at places but I never did come to their house, but I have seen her master a good many times.

By Com's Needles: You say that you never draw any money for any of these younger children? A No, sir.

Com'r Needles: Melvina Farris applies for the enrollment of herself and five children, to-wit: Elijah, Mattie, Lula, Leroy, Luther and Watt. She cannot be found upon any of the rolls of the Cherokee Nation except the Wallace roll and is duly identified upon the Wallace Roll. She avers that she is a child of Andrew Frye by Sophia Ross. She avers that ~~she was also a slave~~. ~~She avers that she was taken out of the Cherokee Nation during the war, and returned in the year 1866; that she is now married to one William Farris, the father of the children or whom she applies. William Farris is what is known as a State-man and not a Cherokee Freedmen in his own right. They are all duly identified and make satisfactory proof as to residence. Now, Melvina Farris and her six children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further consideration of the Commission. She will be notified by mail of the action of the Commission in the premises. It will be necessary for applicant to make satisfactory proof of birth as to said six children, their names not being found upon any of the rolls.~~

SUPPLEMENTAL to the above Application:

MILLIE FRYE, being sworn and examined by Commissioner

T. B. Needles, testified as follows:

Q What is your name? A Millie Frye.

Q How old are you? A I am 64.

Q What is your post office? A Vinita.

Q Are you a Cherokee Freedman? A Yes, sir.

Q On the roll of 1880? A Yes, sir.

Q Do you know Viney Farris who has just applied to be enrolled? A Yes, sir.

Q Did you know her mother? A Yes, sir.

Q Who was her mother? A Sophia Ross.

Q Was Sophia Ross and Melvina, were they slaves? A Yes, sir.

Q To whom did they belong? A Oliver Ross.

Q Was he a Cherokee citizen? A Yes, sir.

Q How long have you known Melvina? A I have known her ever since she was a baby.

Q You knew her mother, Sophia? A Yes, sir.

Q Was Sophia taken out of the Cherokee Nation during the war? A Yes, sir.

Q Where to? A To Kansas.

Q When did they return? A I can't tell you.

Q When did you first see Melvina after the war? A I don't remember just when it was.

Q Well, about how many years afterwards? A I don't know, 18 or 20 years.

Q You never saw her, Millie, after the war? A She lived with me while we were in Kansas.

Q Did she come back with Andy Frye? A No, sir.

Q Andy come first did he? A Yes, sir, he left her with her mother.

Q You don't know when she and her come? A No, sir.

Q Andy is her father? A Yes, sir.

Q You married Andy afterwards? A Yes, sir.

Q Did Andy and Sophia live together as man and wife?

A Yes, sir, and Oliver Ross lived out on the Verdigris and that separated them and after he moved out there a while me and Andy was married.

Q Is Andy Frye living? A Yes, sir.

Q You say his name is on the roll of 1880? A Yes, sir.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant's father found thereon, page 259, #1074, Andrew Frye, Delaware district.

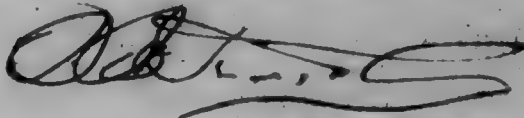
SUPPLEMENTAL JUDGMENT: The testimony of Millie Frye, who is now the wife of Andrew Frye, indicates that the said Andrew Frye and Sophia Ross lived together as man and wife a number of years before the war, and the said Andy Frye has been listed for enrollment and his name appears upon the authenticated roll of 1880 as per page and number of the roll as indicated in the testimony.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly redorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 23d of August, 1901.



Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 19th, 1901.

In the matter of the application of Melvina Farris for the enrollment of her son, SOLOMON FARRIS, as a Cherokee Freedman; said Farris being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Melvina Farris.
Q How old are you? A I don't know exactly how old I is.
Q Well, about how old? A I guess I am about 46 or 7.
Q What is your post office? A Lanapah.
Q What district do you live in? A Cooweescoowee District.

Com'r Needles: Melvina Farris applies for the enrollment of her son, Solomon.

- Q How old is Solomon? A 25.
Q What is his post office? A Lanapah.
Q What district does he live in? A Cooweescoowee District.
Q Do you apply to have him enrolled as a Cherokee Freedman?
A Yes, sir.
Q Why isn't he here himself? A He is just not bright enough to talk and explain himself.
Q Isn't of sound mind? A No, sir, he is easy excited.
Q Has he ind enough to do business for himself? A No, sir.
Q He is a non-compos? A Yes, sir.
Q Did you draw any money for Solomon? A Yes, sir.

The 1880 Authenticated, the 1896 Census and Kern-Clifton Rolls of Freedmen of the Cherokee Nation examined and name of a Solomon Farris not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 192, #3494, Solomon Frye, alias Farris, no district given.

COM'R NEEDLES: Applicant applies for the enrollment of Solomon Farris, her son. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896. He is identified upon the Wallace roll as per page and number of the roll as indicated in the testimony. She avers that he is non compos and thereby unable to apply for himself. He makes satisfactory proof as to his residence. The testimony taken in the application of Malinda Farris for the enrollment of herself and children who has been enrolled on D. Card #772, will be made part of the testimony in the case of the applicant and a copy thereof filed herewith. Said Solomon Farris will be listed for enrollment as a Cherokee Freedman on a doubtful card. His mother will be notified by mail of the action of the Commission in the premises.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this July 24, 1901.

[Handwritten Signature]

Commissioner.

File with case C.F.D.# 773

Supl. C.F.D.#772.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
MIRLVINA PARIS as a Cherokee freedman, introduced as part of the
Cherokee Nation:

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee Representative.

Mr. Brown: Come now the Agent for the applicant and
objects to any testimony tending to disprove the citizenship
of this applicant for the reason that she is a descendant of
a person whose name appears upon the authenticated roll of
1880 and the decree of the United States Court of Claims, No.
17,209, of date February 3, 1896, under which this Commission
is making the roll of Cherokee freedmen, strictly prohibits
introduction of any testimony tending to disprove the citizen-
ship of any person whose name appears upon the authenticated
roll of 1880; that this applicant during the war and after the
close of the war was a miner and if she was entitled to take
at all it was through her parents, one of whose names appear
upon the authenticated roll of 1880.

Commission: The objection will be noted and the testimony
heard.

HAYWOOD ROWE, being duly sworn, testified as follows on part
of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A Haywood Rowe.
Q Do you know Mirlvina Paris? A Yes, sir.
Q How long have you known her? A About 25 years.
Q Where was she when you first saw her? A Up here at Houston
Robertson, near Brother-in-law's.
Q About how old was she? A She was the mother of two children
then.
Q She was grown? A Yes, sir.
Q Where was she living at that time? A Up in Kansas.
Q Do you know what place? A Up about, near Humboldt, or at Hum-
boldt I don't know which.
Q Did you ever see her after that time? A Ten years after that
time she came down to see her sister again.
Q Where was she living at that time? A She was living at the
same place.
Q Well, do you know where she is living now? A Yes, sir.
Q Where is she living now? A I don't know exactly, she is
living up there near Goose Creek bend.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know whether or not from the time you got acquainted with
her up to the time she moved to the Goose Creek bend, she ever went
back to Kansas? A I don't know.
Q Do you know her husband? A Yes, sir.
Q Were they married when she moved into the Cherokee Nation?
A Yes, sir.

Q Now, you first got acquainted with her about twenty how many years ago? A About between 23 and 25 years ago.

Q And you say she was a sister-in-law of Houston Rogers?

A Yes, sir.

Q They are living up there now about Gooseneck bend?

A Yes, sir.

Q About how long have they been living up there in the Cherokee Nation about Gooseneck bend? A About 18 years, just about that.

Q That was sometime in the early part of the eighties she moved into the Cherokee Nation? A Yes, sir.

Q Had you seen her in the Cherokee Nation prior to the time you saw her at Houston Rogers' place? A No, sir.

Q Had you ever seen her prior to that in your life? A No, sir.

III. BROWN:

Q There was a lot of people in the Cherokee Nation you never saw until three or four years ago? A Yes, sir.

Q You say when you saw her in 1877, or somewhere along there, she was not married? A Yes, sir.

Q How do you know? A She said she was not married.

Q How come she to tell you that? A I saw her there and she said she was not.

Q Well, now, from 1866 until 1877, do you know where Melvina Faris lived? A Only what she told me.

Q What did she tell you? A She said she lived up in Kansas.

Q You say she was grown in 25 or 6 years ago? A She had two children.

Q Well, was she grown? A I don't know whether she was or not.

Q You have stated she was, I want to know whether that is true or not? A Yes, sir.

Q What is Melvina Faris' father's name? A I don't know her father.

Q What is her mother's name? A Sophia.

Q Did you know Sophia at the time the war broke out?

A No, sir.

Q You don't know whether she was here in the Cherokee Nation at the close of the war or not? A No, sir, only what she told me.

Q What did she tell you? A She said she went back to Kansas.

Q What did she say about her father? A She said Andy Frye was her father.

Q Andy Frye is a recognized citizen of the Cherokee Nation, is he not? A Yes, sir.

Q When did she move in there? A About 18 or 20 years ago.

Q How long was it from the time you saw her until, you say she moved to the Cherokee Nation? A It must have been about four or five years.

Q Then if you saw her 24 or 5 years ago and she moved here four or five years, according to your estimate, after you first saw her, what year did you say she came to this country? A I don't know the date, it was about three or four years before the payment she came down to visit her people.

Q Where were you living at that time? A I was working for Clem Rogers.

Q How far is that from the place that Melvina Faris lived at that time? A I don't know; I never was up about Humbolt.

Q You say she moved down here four or five years after you saw her at Houston Rogers and you attempt to state what place she moved to now I want to know how far it is from the place where you were staying to the place where you claim she moved? A About nine or ten miles from Clem Rogers' to Caloosa.

Q How do you know that when she moved on that place that was the first time she moved to the Cherokee Nation? A Her and her husband said so.

Q That is the only way you know it? A That is what they say.

Q You don't know where she lived prior to 24 or 25 years ago?

A No, sir, only what she said, she said her mother was up there and died and she came down here hunting her people.

Q Did you know Jess Brown during his lifetime? A No, sir.

Q At the time of his death he was a recognized citizen of the Cherokee Nation was he not? A Yes, sir.

Q Haywood, you have been a witness in a great many cases haven't you? A I think this is the third one.

Q You have never testified in this case before have you?

A Never did.

Q You were living in this country when the Wallace roll was made?

A Yes, sir.

Q And also when the Kern-Clifton roll was made? A I didn't go before Mr. Wallace.

Mr. Davenport: I object to any question about the Wallace roll because the Cherokee Nation was not represented in the making of the Wallace roll.

Q Well, now, Haywood, who did you first tell that you could testify about these facts? A I don't know; I don't know whether I told anybody or not, talking about these things all the time.

Q Did you ever tell any one that you knew these facts that you have testified to to-day? A I have talked about it to-day.

Q That is the first time you have told anyone what you claimed to know about these people? A No.

Q When was it? A It might have been in the spring.

Q Along about the time the application was made? A Yes, sir.

BENJAMIN HAVE, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A Benjamin Have.

Q Where do you live? A Vinita.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Did you know a woman by the name of Melvina Faris? A Yes, sir.

Q Do you know her husband? A Yes, sir.

Q What is his name? A William Faris.

Q Where do they live now? A Last time I saw them they were living in Coffeyville, Kansas.

Q About how long ago was that? A About two years ago.

Q How long have you been acquainted with Melvina Faris?

A Ever since about '80.

Q Was she married then? A No, sir.

Q Where was she living when you got acquainted with her?

A Iola, Kansas.

Q Have you known her or met her often since that time? A Yes, sir; lived right by her.

Q How near have you lived to her since that time? A About three miles.

Q Where was she living when you lived that near to her? A On the Verdigris river.

Q Is that about where they call Geeserock bend? A Yes, sir.

Q About when did she move to where she lived on the Verdigris river? A About a year before the Kern-Clifton payment.

Q Where was she living when you first got acquainted with her?

A Iola, Kansas.

Q Before she moved to the Cherokee Nation did she live at any other place than Iola? A Yes, she lived in Coffeyville.

Q Was she married when she lived in Coffeyville? A Yes, sir.
 Q Was she married with reference to the time she moved to the Cherokee Nation? A I don't know just when she married this man, but when I met her there in Coffeyville she was living with this man and had two children.
 Q Well, about when now did she move from Kansas down to the Cherokee Nation? A Into the Cherokee Nation from Coffeyville?
 A Yes. A It was about a year before the Kern-Clifton payment.
 Q Did you ever know Jess Brown's family? A Yes, sir.
 Q Where did they live? A Lived just across the river from where she lived.
 Q Are any of them living up there now? A Yes, sir; some children.
 Q How far is it from where Melvina Paris lived to the place where Jess Brown's family lived? A About three miles and a half.
 Q Practically same neighborhood? A Yes, sir.
 Q Do you know whether or not Melvina Paris' mother was living at the time she moved to the Cherokee Nation? A Yes, sir.
 Q About how old was Melvina when you got acquainted with her?
 A She was a grown woman.

MR. BROWN:

Q You say her mother was living at the time you got acquainted with her? A That she called mother.
 Q Her name was Sophia Ross? A No, sir.
 Q What was her name? A She was living with a man named Jonas Carter.
 Q Now, don't you know as a matter of fact that her mother died before the war closed? A No, sir, I ~~was~~ don't know anything about what happened before the war closed.
 Q Are you prepared to state that is not a fact? A Which is not a fact?
 Q That her mother didn't die before the war closed? A The one she was living with and one she called mother didn't.
 Q How old are you? A I am 39 years old, be 40 next birthday.
 Q Did you go out of the Cherokee Nation during the war?
 A I don't know whether I did or not.
 Q Don't know when you returned do you? A No, sir.
 Q How, have you ever lived in Kansas? A Yes, sir.
 Q How long? A About 12 months.
 Q Never lived any longer than that? A No, sir.
 Q How long did you live in Oswego? A About 12 months.
 Q You swear that? A Yes, sir.
 Q What were you doing up there at Iowa? A Visiting.
 Q How did you fix the date? A It was after the payment I went from Tahlequah with Bill Ross after a span of mules and when we got up there we stopped with Jonas Carter and this woman was there.
 Q Where were you in 1890 or 1891? A In Fort Smith and up around in the Territory.
 Q Where was your home? A Didn't have any home.
 Q You are the same Benjamin Nave that gave an affidavit in the Tom Bell case before J. W. Wallace? A No, sir.
 Q You swear that? A Yes, sir.
 Q You know when J. W. Wallace made a roll don't you?
 A Yes, sir.
 Q And you never made any affidavits relative to his citizenship in the town of Muskogee in the year 1891? A No, sir.
 Q Just as positive about that as any other matter you testified to, aren't you? A Yes, sir.
 Q Now, you say you saw her in Humbolt? A No, sir.
 Q You did see her in Coffeyville? A Yes, sir.
 Q About what time of the year did you see her there?
 A I could not tell you.
 Q About what year was it? A It was just before the payment.
 Q What payment? A Kern-Clifton.

- Q Where was she prior to the time you saw her in Iola in 1880?
A I don't know all the places I saw her.
Q Name one place? A She lived in Coffeyville.
Q Prior to 1880? A Yes, sir.
Q Now, from the time you saw her in Iola in 1880 and the time you saw her in Coffeyville, which you say was one year before the Kern-Clifton payment, where did she live? A She lived in Coffeyville, Kansas when I met her there.
Q Now, from the time you claim you saw her in Iola in 1880 until you saw her in Coffeyville in a year before the Kern-Clifton payment, where did she live? A She lived in Iola when I got acquainted with her. She lived in Coffeyville the next time I met her, and if she lived anywhere else before that I am not prepared to tell you.
Q How long was it from the time you saw her in Iola, Kansas, until you met her in Coffeyville? A It was ten or 15 years.
Q And you have already testified that you saw her in Coffeyville prior to 1880? A No, I didn't say that.
Q You didn't say that? A If I said; I saw her in Iola in 1880.
Q You are just as positive you have testified to that as any other statement you made? A I didn't say I seen her in Coffeyville in 1880.
Q You are just as positive that you have not testified that you saw this woman in Coffeyville, Kansas, prior to the year 1880 as you are to anything else you have testified to? A If I said that I didn't mean to, because I didn't see her there in 1880.
Q You have been a witness in a great many cases? A No, sir.
Q You have been in the employ of the Nation most of the time since April? A No, sir.
Q You have not? A No, sir.
MR. DAVENPORT:
Q If you were in the employ of the Nation at present would that cause you to tell a lie about having seen this woman in Kansas in 1880? A No, sir.
Q Would it cause you to tell a story about having seen her in Coffeyville prior to the Kern-Clifton Commission? A No, sir.
Q When did you come down to this enrollment? A This morning.
Q From your home in Vinita? A Yes, sir.
Q Were you subpoenaed here? A Yes, sir.
MR. BROWN:
Q This is not the first time you have been coming here?
A No, sir, I have been here ever since this here was a town.
Q I mean ever since the enrollment was here? A No, sir.
Q You have been subpoenaed here several times? A Once before.
Q You stayed several days? A Yes, sir.

REES CRAVENS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A Rees Cravens.
Q Where do you live? A I live at Vinita.
Q How long have you lived at Vinita? A About five or six years.
Q Did you ever live at Iola, Kansas, or near there? A Yes, sir.
Q About how long since you lived there? A Oh, it has been eight or nine years.
Q While you were living at Iola, Kansas, or near there, did you ever get acquainted with a colored woman by the name of Melvina Ross or Melvina? I don't know what name she went by then; did you ever get acquainted with a woman by that name? A Yes, sir.
MR. BROWN:
Q Mr. Cravens, have you ever been convicted of a felony?
Mr. Davenport: I object.

Commission: Note the objection and answer the question.

A I ain't being tried.

Mr. Davenport: Answer his question if you have been convicted of a felony.

A I don't know what you call a felony is.

MR. BROWN:

Q Have you ever served a term in the Penitentiary?

A Yes, sir.

Mr. Brown: I object to his testifying.

Q Served your time? A No, sir.

Q Were you pardoned? A Yes, sir.

Q Have you got your pardon with you? A No, sir, but I can prove it.

Q Where is it? A It is at home; I got it from Gov. Andy.

Q Have you ever been convicted of a felony here in the Indian Territory? A Yes, but it was on proof.

Q You pled guilty? A Yes, sir.

Q You served your time? A Yes, sir.

Mr. Brown: I object to his testifying.

MR. DAVENPORT:

Q You don't know what a felony is? A I was discharged.

Q You pled guilty to what? A Selling whisky.

Q And you served a jail sentence? A Yes, sir.

Q You say you got acquainted with a girl by the name of Melvina at Iola, Kansas? A They called her Viny Frye.

Q Have you seen her since you got acquainted with her at Iola?

A Yes, sir, I seen her there.

Q After you came here to this country? A I seen her twice in this country.

Q What name does she go by now? A Melvina Faris.

Q When was it you first got acquainted with her at Iola, Kansas?

A Along in '80.

Q Do you know whether she was living there at that time or not?

A Yes, she was living there.

Q How long did she live there to your knowledge after you got acquainted with her? A About seven or eight years.

Q Do you know whether she was living with any one there that she called mother? A I was not personally acquainted with her mother. They called her Aunt Sophia, I wasn't acquainted with her mother.

Q About what size was she when you got acquainted with her?

A I would take her to be between 17 or 18 years old.

Q That was along somewhere in 1880? A Yes, sir.

Q About grown then? A I would take her to be that.

Q Do you know where she is living now? A No, sir.

Q Do you know her husband, William Faris? A Yes, sir.

Q Is he a Minister of the Gospel? A Yes, sir, that is what he claims to be.

Q Did you ever know of her living anywhere else besides Iola, Kansas? A No, sir.

MR. BROWN:

Q Cravens, where did she live prior to 1880? A Iola, Kansas.

Q Did you say you knew her prior to that time? A No, sir.

Q You said her mother's name was Sophia? A That is what they all said it was.

Q Where did you know her mother? A I didn't say I knew her mother. Her mother's name was Sophia, her stepfather's name was Jonas Carter.

Q Where was she in 1880? A I don't know. That is what they said her mother's name was.

Q How long did you live in the State of Kansas, Cravens?

A I don't know, you see I have been there ~~any~~ often and on since

the war.

Q Well, now, prior to the year 1880 you cannot state where the applicant in this case lived can you? A Where she was living in 1880?

Q Prior to 1880 can you state where this applicant lived? A I know where she ~~was~~ started to go when she left there.

Q Please answer my question? A I didn't say prior up to where she lived all the time, when she left there.

Q Now, when did she leave there? A I know she left there in 1880.

Q How do you fix 1880? A I was living there myself.

Q Do you know what year this is? A This is 1881, isn't it.

Q I thought you met her in Kansas? A I don't know when I met her, I know when she left there.

Q Do you know when the Kern-Clifton roll was made? A I don't know whether I was here or not.

Q You don't know whether you were here or not when this Kern-Clifton payment was made? A Yes, sir.

Q When was that? A I don't know.

Q Do you remember when the Wallace roll was made?

A I wasn't here.

Q What year were you born? A I don't know, I was born in, somewhere-

Q In what year were you first arrested? A I don't know.

Q You have been a great many times? A No, sir.

Q You were arrested one time for robbery? A No, sir.

Q Wasn't you arrested one time for breaking in a house on one Sunday morning? A No, sir.

Q And you deny that you served a sentence in the penitentiary?

A No, sir.

MR. DAVENPORT:

Q You say you don't know what year this is?

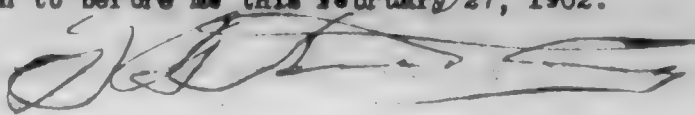
A I don't pay any attention to the year; I know this is the woman though.

Commission: This testimony will be filed in and made a part of the record in the following Cherokee Freedmen cases: D.-773, D.-803, D.-848, and in the case at bar.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 27, 1902.



Commissioner.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Melvina Farris, et al.,
for enrollment as Cherokee Freedmen, consolidating the applications
of

| | | |
|------------------------------|-------------------|-------|
| Melvina Farris, et al.,..... | Cherokee Freedmen | D 772 |
| Salomon Farris,..... | " | D 773 |
| Frederick Farris,..... | " | D 803 |
| Bertha Baldrige,..... | " | D 842 |

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Melvina Farris for herself and her minor children, Elsie, Mattie, Lina, Lacey and Luther Farris, and subsequent to her original application, an affidavit was filed showing the birth of her minor child, Matt Farris, and the same is made a part of the record herein; by Melvina Farris for her adult son, Salomon Farris, who is of unsound mind; by Frederick Farris for himself; and by Bertha Baldrige for herself.

The evidence shows that the Applicant, Melvina Farris, was the slave of a Cherokee citizen at the commencement of the rebellion that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until about two years prior to the Earned Disfranchisement payment, which was made in 1865. It does not appear that her husband, William Farris, was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The evidence further shows that all the other applicants herein were born since 1864, and are the descendants of said Melvina Farris, claiming the right to enrollment through her. It also

not appear that the names of any of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Melvina Farris, Elijah Farris, Mattie Farris, Lula Farris, Leroy Farris, Luther Farris, Watt Farris, Solomon Farris, Frederick Farris and Bertha Baldrige as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1896 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tame Dixby.
Chairman.

(SIGNED) I. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED) W. E. Stanley.
Commissioner.

Dated at Muskogee, Indian Territory,
this Jul 1 - 1903

Cherokee Freedmen
D-772, D-773.

Muskegee, Indian Territory, July 11, 1903.

Melvina Farris,

Lenapah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your son, Solomon Farris, as a Cherokee Freedman, together with a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Melvina Farris, et al., rejecting the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt and Solomon Farris, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Nathan.

Commissioner in Charge.

Register.

Enc. H-65.

Cherokee Freedmen
D-772, D-773,
D-803, D-848.

Muskegee Indian Territory, July 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the consolidated case of Melvina Parris, et al., including the Commission's decision, dated July 1, 1903, rejecting the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Solomon and Frederick Parris and Bertha Baldrige, as Cherokee Freedmen.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-70.

COPY

Cherokee Freedmen
D-772, D-773,
D-803, D-848.

Muskogee, Indian Territory, July 11, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Melvinn Farris, et al., rejecting the application for the enrolment of Melvinn, Elijah, Mattie, John, Leroy, Luther, Watt, Solomon and Frederick Farris, and Martha Baldrige, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. B. Gordon

Commissioner in Charge.

Enc. H-69.

LAND 44286-1904.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, MARCH 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated July 11, 1903, transmitting record relative to the application of Melvina Farris et al., for enrollment as Cherokee freedmen.

Melvina Farris applied for the enrollment of herself and her minor children, Elijah, Mattie, Lula, Leroy and Luther Farris. Subsequent to her original application she applied for the enrollment of Watt Farris, born since the date of the original application. Watt Farris is properly identified by a birth affidavit. She also applied for the enrollment of her adult son, Solomon Farris who is of unsound mind. Frederick Farris and Bertha Baldrige applied for the enrollment of themselves.

Melvina Farris nee Frye, belonged to Susan and Oliver Ross at the commencement of the war. They were citizens of the Cherokee Nation. She was taken to Kansas during the war. All of the applicants to the case, except the principal applicant, are her descendants. The record does not show that the names of any of them appear on the Cherokee roll of 1880. Neither does it show that

William Farris, husband of Melvina Farris, was a slave of a Cherokee citizen or of a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

From the record it does not seem that the principal applicant returned to the Cherokee Nation in good faith prior to the expiration of the time limit fixed by the treaty of 1866, and it is therefore recommended that the decision of the Commission of July 1, 1903, adverse to them be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

G.A.W.-L.C.

D. C. 16226-1904.

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DEPARTMENT OF THE INTERIOR,
WASHINGTON.

ITD 2312-1904.

May 13, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 11, 1903, you transmitted the record of proceedings in the consolidated Cherokee Freedmen case of Melvina Farris et al., including your decision of July 1, 1903, rejecting the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Solomon and Frederick Farris and Bertha Baldrige.

Reporting in the matter March 15, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedman
D-773.

Muskogee, Indian Territory, May 20, 1904.

Solomon Farris,

Lawson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 13, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-772 et al.

Muskegee, Indian Territory, May 20, 1904.

W.W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, in the consolidated case of Melvina Farris et al., rejecting the applications for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Frederick and Solomon Farris and Bertha Dalbridge as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 13, 1904.

Respectfully,

Commissioner in Charge.

AFFIDAVIT.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss
NORTHERN DISTRICT.

Farris

In the matter of the application of *Solomon*

for enrollment as a Cherokee Freedman.

No. F. D. *773*

Henry Pack, of lawful age, being duly sworn on oath states that on the *24th* day of *September*, A. D., 1901, he registered to *Solomon Farris* whose postoffice is *Lawpash*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at *Fort Gibson* Indian Territory; and that on the *28th* day of *September*, 1901, he received the return card which is hereto attached, signed by the said *Solomon Farris*, showing that he had received said notice.

Subscribed and sworn to before me on this the *28th* day of *Sept*, A. D. 1901.

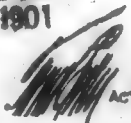
Henry Pack
J. C. Starr
Notary Public.

34923

20

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 2 1901



ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Solomon Parris
for enrollment as Cherokee Freedmen:

Case No. F. D. 773

To Solomon Parris Lenapeh I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, Oct 2 24th 1901 at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901


L. B. Bell

W. W. Hastings
J. S. Davenport
Attorneys for the Cherokee Nation.

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3073

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 19 1901


ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 19, 1901
 Post Office Lenapeah, D.C.
 District Geo

1. Name Solomon Farris Age 25
 Owner's name _____ Citizenship _____
 Year Wallace Page 192 No. 3494 District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

2. Name of wife Waubert Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

Names of Children:

| No. | Year | Page | No. | Dist. |
|-----|------|------|-----|-------|
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |
| 7. | | | | |
| 8. | | | | |
| 9. | | | | |
| 10. | | | | |
| 11. | | | | |
| 12. | | | | |

Application made by Melona Farris (mother) Stenographer J. H. Poisson

On Wallace roll as Solomon Farris, alias Farris.

X Ref V. 772

J.

J. D. 773

MAR 22 1902

J. D.
1000

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Solomon Farris,
Lenapeah, I. T.
Cherokee F-D-773
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

REGISTRY RECEIPT

Post Office at

Registered

Letter
Parcel

No.

Rec'd

190

of

addressed to

SEP 21 1899
FT. GLE. OFF.

Hubbard Ross, P. M.
H. P. Ross, P. M.

P. M.

Cher. Fr. R. 306

See Cher. Fr. R. 304

Cher. Fr. R. 306

Did you come back with Andy Frye? A No, sir.
 Andy come first did he? A Yes, sir, he left her with her mother.
 You don't know when she and her father come? A No, sir.
 Andy is her father? A Yes, sir.
 You married Andy after that? A Yes, sir.
 Did Andy and Sophia live together as man and wife? A Yes, sir,
 and Oliver Ross lived out of the yard for a while and that separated them
 and after he moved out there a while he and Andy was married.
 Is Andy Frye living? A Yes, sir.
 You say his name is on the roll of 1880? A Yes, sir.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant's father found thereon, page 252, #1074, Andrew Frye, Delaware district.

SUPPLEMENTAL JOINTURE: The testimony of Miss Frye, who is now the wife of Andrew Frye, indicates that the said Andrew and Sophia Ross lived together as man and wife a number of years before the war, and the said Andy Frye has been listed for enrollment and his name appears upon the authenticated roll of 1860 as per page and number of the roll as indicated in the testimony.

---0000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. W. Case

Subscribed and sworn to before me this 25th day of August, 1901.

2000

To be filed with case of Frederick Farris, C. F. D. #903.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 19th, 1901.

In the matter of the application of Melvina Farris for the enrollment of herself and four children as Cherokee Freedmen; said Farris being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Melvina Farris.
Q How old are you? A I don't know exactly how old I is.
Q Well, about how old? A I ~~think~~ guess I am about 46 or 7.
Q What is your post office? A Lenapah.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many? A Nine.
Q Are you married? A Yes, sir.
Q What is your husband's name? A William Farris.
Q Is your name on the roll of 1880? A It ought to be on there.
Q What is your father's name? A Andy Frye.
Q What is your mother's name? A Sophia Ross.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir, she is dead.
Q Now, give me the names of your children under 21 years of age, commencing with the oldest? A Solomon.
Q How old is he? A 25; he is not right bright, he can't tell me his own age.
Q Now, give me the names of the children that are under 21 and not married? A Elijah.
Q How old is Elijah? A 18.
Q The next one? A Mattie, 15; Lula, 13; Leroy, 10.
Q Next one? A Luther, seven; Wattis four.
Q Is that all? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q Where is he? A He is on the ground here.
Q You don't apply for him? A No, sir.
Q Are you and he living together? A Yes, sir.
Q Were you ever married before? A No, sir.
Q Your maiden name was Ross? A Frye, my mother never was enrolled; my father was enrolled.
Q Did you draw what is known as strip money? A No, sir, my name was displaced.
Q Did you ever draw any money? A Yes, sir, drew on the Wallace roll.
Q Did you draw for any of these children? A Drew for the three oldest one.

The 1880 authenticated roll, the 1896 census roll and Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and named of applicants not found thereon.

The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 185, #3390, Viney Ros, no district given.

- Q You never draw for these younger children did you? (No response.)
Q Have you any witnesses here? A Yes, sir.
Q Who are they? A Jim Alberty and Allen Lynch.
Q Where were you born? A I was born in the Territory.
Q Cherokee Nation? A Yes, sir.
Q Lived there all your life? A Yes, sir.
Q What is your father's name? A Andy Frye.
Q Is he a Cherokee freedman? A Yes, sir.
Q Name on the roll of 1880? A Yes, sir.

- Q What was your mother's name? A Sophia Ross.
 Q Is her name on the roll of 1880? A No, sir.
 Q Was she a slave? A Yes, sir.
 Q To whom did she belong? A Susie Ross and Oliver Ross.
 Q Is she living? A No, sir, she is dead.
 Q Was Susan Ross and Oliver Ross Cherokee citizens? A Yes, sir.
 Q You as a born slave yourself? A Yes, sir.
 Q Were you taken out of the Cherokee Nation during the war?
 A Yes, sir.
 Q Where to? A Up North.
 Q Your mother with you? A Yes, sir.
 Q What part of the North? A Kansas.
 Q Well, when did you return from Kansas? A In '66.
 Q Who did you return with? A Uncle Jess Brown brought me down.
 Q How long did your mother live after that? A I don't know exactly how long she lived.
 Q Where did you come to? A Uncle Jess Brown brought me, I was at his house.
 Q Is he living? A No, sir, he is dead.
 Q Was your mother dead before 1880, 20 years ago?
 A She died right away after the war.
 Q Who raised you yourself? A I stayed around with my brothers.
 Q Who were your brothers? A George Ross and Jonas Ragsdale.
 Q Are they living? A Yes, sir.
 Q Are their names on the roll of 1880? A Yes, sir.
 Q Why isn't your name there? A I don't know.
 Q Your brother you say was Jonas Ragsdale? A Yes, sir.
 Q And who else? A George Ross.
 Q Are they older or younger than you? A They are younger.
 Q You have always lived in the Cherokee Nation? A Yes, sir.
 Q How many times have you been married? A Once.
 Q To William Farris, is he living? A Yes, sir.
 Q Is he the father of all these children? A Yes, sir.
 Q Are these children all living at this time? A Yes, sir.
 Q Is your husband a citizen? A Adopted citizen.
 Q He is known as a State man? A Yes, sir.
 By Mr. W. W. Hastings, Cherokee Representative:
 Q Where did Jess Brown living when you come down? A I don't know, sir. I was too small to remember it, I know Uncle Jess brought me down.
 Q Was Uncle Jess living down in t his country? A I don't know, sir, where he was living.
 Q Well, if you were too small to remember where he was living, wasn't you a little too small to know the date? A I always know I was brought down in '66 because I just lived around with my brothers, because I had no mother.
 Q Well, where did you live when you first come down here?
 A I lived with my brother Jonas on Pryor Creek.
 Q Well where did you first see Him Alberty? A I don't know, sir, whereabouts the first I ever saw him.
 Q You don't remember that? A No, sir.
 Q Well, did you stay with Jess Brown a while after you came down here?
 A Yes, sir.
 Q Well, you don't remember what part of the Cherokee Nation he was living in? A No, sir.
 Q About how many years after the war did you mother live?
 A I don't know how many, I was quite small when my mother died.
 Q Did she die in t he Nation? A No, sir, she died in the Nation.
 Q And Jess Brown went up and brought you down? A Yes, sir.
 Q Did the rest of Jess Brown's family come with you?
 A I don't know whether it was his family or not.
 Q Do you remember what other folks come with you? A No, sir.
 Q Is any of Jess Brown's folks living? A I don't know, sir whether they is or not.
 Q Well, you were about ten years old then wasn't you?

A Probably I was, I don't recollect anything about slavery.

Q I mean when you come down here? A Probably I was about that old, I don't know.

Q Well, who did you go to living with first when you come down here?

A My brother Jonas.

Q Did you go to keeping house? A No, sir, he was married.

Q He was living down here when Jess brought you down? A Yes, sir.

Q Jess brought you down and you found out where your brother was living? A I stayed with uncle Jess and when I found out where my brother Jonas was I went to him.

Q You didn't come back with your brother? A My brother was already here.

Q Well, you don't know about how long you stayed with Jess Brown?

A No, sir, I don't.

Q Do you think you stayed as much as a year? A I don't know whether it was or not.

Q Do you remember what time of the year it was Jess brought you down?

A No, sir.

Q Don't know whether it was spring, summer or fall? A No, sir.

Q Do you know what time of the year it was you went to live with your brother Jonas? A Yes, sir, it was in the fall when I went to live with him.

Q You don't know how long you had been at Jess Brown's then?

A No, sir.

Q Jonas was living on Pyro r Creek you say A yes, sir.

Q He was married then? A Yes, sir.

Q Did he have any children at that time? A He had two.

Q What were their names, A Sophia and one was named Viney.

Q That was when you went there? A Yes, sir.

Q How much older was your brother than you? A I don't know how much older or younger than I was.

Q He was gone when the war broke out? A Yes, sir.

Q Was Jonas married when the war broke out? A No, sir.

Q Do you know where he was married? A No, sir.

Q Did he marry after he come back here? A He must.

Q He had two children when you went down there? A Yes, sir.

By Com'r Needles: Was Andy Frye your father? A My natural father, my stepmother is here on the ground now.

Q Sophia Ross was your mother? A Yes, sir.

Q Was Andy Frye and Sophia Ross married? A They were living together as man and wife.

Q Did they go to Kansas together? A My mother went to Kansas, they didn't go together, she had the consumption.

Q Your mother was a slave? A Yes, sir.

Q And belonged to? A Oliver Ross.

By Mr. Hastings: You were a slave yourself? A Yes, sir, but I was small.

JIM ALBERTY, being sworn and examined by Commissioner

T. B. Needles, testified as follows:

Q What is your name? A Jim Alberty.

Q How old are you, Jim? A 70 years old.

Q What is your post office? A Chouteau.

Q You claim to be a Cherokee Freedman? A Yes, sir.

Q Do you know the applicant here, Melvina Farris? (No response.)

Q Do you know her by the name of Melvina Frye? A Yes, sir.

Q How long have you known her? A Well, I don't know I have known her pretty near all her life.

Q Was she ever married? A When I saw her last she wasn't married.

Q What was her father's name? A Andy Frye.

Q What was her mother's name? A I forget her mother's name.

Q Well, do you know whether Melvina was a slave? A Yes, sir, I think she was, I don't know whether she was born a slave or not, I knew her mother was.

Q Sophia Ross? A Yes, sir; that is the name.

- Q To whom did Sophia belong? A Oliver Ross.
- Q Well, was Sophia taken out of the Cherokee Nation during the war, do you know? A No, sir, I don't know.
- Q When was the first time you saw Viney Ross after the war?
- A This girl?
- Q Yes. A When Jesse Brown come back from Kansas in '66, he brought her back I saw her there in that year.
- Q At Jesse Brown's house? A Yes, sir.
- By Mr. Hastings: Where was Jess Brown living? A He was living at my house at that time when he first come back here, down on the river.
- Q Down on Grand river? A Yes, sir.
- Q Did Jesse Brown have a family? A Yes, sir, he had a wife and two children.
- Q How long did this girl stay down there? A I don't know; when he left there and went away with her I never saw her any more.
- Q He took her away with him? A Yes, sir, took her up here to where he lived; he built out there on Gooseneck Bend.
- Q And he went up there did he? A Yes, sir.
- Q How long did he stay down at your house? A He stayed there near a month.
- Q You never saw this girl before the war yourself?
- A No, sir, not to know her.
- Q That was the first time you had ever seen her?
- A Yes, sir; that is, to know her.
- Q Did Jess Brown have any children of that woman?
- A The woman he had?
- Q Yes. A After he left there.
- Q Didn't have any then? A No, sir, had one soon after.
- Q But didn't have any at that time? A No, sir.
- Q Well, when did you ever see this woman again? A I never saw her any more for severan years after he moved up here to Gooseneck.
- Q Was she living there then with Jesse Brown? A Yes, sir, Jesse had her then.
- Q Four or five years afterwards? A Yes, sir.
- Q Up here on Gooseneck? A Yes sir, she was pretty near to gorn woman then.
- Q Where do you say now Jess Brown went from your place? A He went up here towards Gooseneck Bend, that is where he went to.
- Q You don't know where he lived? A Not until four or five years afterwards I was at his house up there.
- Q You are the fellow that testified about meaint some man that was ferrying across the river between Muskogee and Fort Gibson in '66 when he went backwards and forwards to Muskogee to trade didn't you? A Yes, sir.
- Q And you testified in another case about driving some cattle, going 45 miles driving some cattle and back in the same day?
- A I didn't say 45 I said from there Tom Knight lived.
- Q From what place? A There on Rock Creek.
- Q You have been a witness in a good many cases? A Yes, sir.
- Q You are not on the 1880 roll yourself? A No, sir.
- Q Your citizenship is contested? A I don't know about that.
- Q You are on a doubtful card? A Yes, sir, of course I know that.
- Q Well, now, after you saw this girl living with Jess Brown four or five years afterwards, when did you next see her? A Right here.
- Q And this is the third time you have seen her since the war?
- A Yes, sir.
- Q And you remember now Jess Brown coming to your house 35 years ago?
- A Yes, sir.
- Q Was her mother with her then? A No, sir.
- Q Wasn't anybody but Jess Brown and his wife and this girl?
- A That is all I noticed.
- Q What was Jess Brown's wife's name? A I don't know; don't recollect now, I knowed.
- Q How old was t is girl when she came to your house there?
- Q I don't know, right smart strip of a girl.
- Q About

- Q About what age would she be the first time you saw her?
A About eight or ten years old.
Q Did she have a brot her or sister with her? A No, sir.
Q ~~Did~~ You know that she was living up there four or five years afterwards with Jess Brown on Gooseneck Bend? A Yes, sir.
Q How far did you live from Jonas Raggsale on Pryor Creek?
A I don't know how far it was.
Q About how far? A Jonas lived pretty well.
Q Were you ever at his house? A No, sir.
Q Do you know when he married? A No, sir, I don't know.
By Com'r Needles: Did you know this girl's mother?
A Yes, sir, I knowed her.
Q Who did she live with? A Oliver Ross.
Q Was she married? A I don't know whether she was married or not.
Q Well, did she ever live with a man as his wife? A She had children, I don't know whether she had married or not.
Q Did you know Andrew Frye? A Yes, sir.
Q Well, did Andrew Vfrey and Sophia, the girl's mother, live together? A I don't know.
Q How old are you Jim, 70? A 70.
Q You have been in t his country a good while? A Yes, sir.
Q You have been in this country almost all your life? A Yes, sir.

ALLEN LYNCH, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Allen Lynch.
Q How old are you, Mr. Lynch? A 61 years old.
Q What is your post office? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Viney Farris? A Yes, sir, I know her.
Q What was her mother's name? A Sophia Ross.
Q Do you know her father? A Yes, sir.
Q What is his name? A Andy Frye or Andy Clark used to be.
Q Did they live together as man and wife? A I don't know whether they d8d or not, no, sir.
Q Well, now, who did Sophia Ross, this girl's mother, belong to?
A She belonged to Oliver Ross.
Q Melvina Belonged to Oliver also did she? A Yes, sir.
Q Well, was Sophia Ross and Melvina taken out of the Cherokee Nation during the war between the North and South? A Yes, sir.
Q Where to? A Went to Kansas.
Q Well, when did they r eturn? A I don't know that.
Q When was the first time you saw Viney here after the war?
A The first time I seen her was the time of the Wallace roll.
Q That was several years afterwards? A Yes, sir.
Q You don't know anything about when she returned and when Sophia, her mother, returned? A No, sir.
Q You say her during the Wallace Court? A Yes, sir.
Q You know her since that? A Yes, sir.
By Mr. Hastings: Did you see her mother then? A No, sir.
Q Did she say where her mother was at that time? A Seems to me she said her mother was dead.
Q You don't know when she come back? A No, sir.
Q When did Oliver Ross live? A Well he lived right down on the low edge of what we call the Marcus prairie, right down below the Orphan Asylum, below Locust Grove.
Q Where did Andy Frye live? A He lived right up on the branch about three-quarters of a mile from there Ross lices now.
By Com'r Needles: Was Oliver Ross a Cherokee? A Yes, sir.
Q Cherokee Indian? A Yes, sir.

MELVINA FARRIS, the applicant, recalled: By Mr. Hastings:

Q When was the first time you saw your stepmother?

A When I went North.

Q I mean after you come back here? A I saw her when I was about, good sized girl.

Q Well, how long after the war, as much as ten years? A Yes, sir.

Q Is that the best you can recollect? A I saw her a good many times at places but I never did come to their house, but I have seen her master a good many times.

By Com'r Needles: You say that you never drew any money for any of these younger children? A No, sir.

Com'r Needles: Melvina Farris applies for the enrollment of herself and five children, to-wit: Elijah, Mattie, Lula, Leroy, Luther and Watt. She cannot be found upon any of the rolls of the Cherokee Nation except the Wallace roll and is duly identified upon the Wallace roll. She avers that she is a child of Andrew Frye by Sophia Ross. She avers that Sophia Ross was a slave of Oliver and Susan Ross, and that she was also a ~~slave~~ slave. She avers that she was taken out of the Cherokee Nation during the war, and returned in the year 1866; that she is now married to one William Farris, the father of the children for whom she applies. William Farris is what is known as a Statesman and not a Cherokee Freedman in his own right. They are all duly identified and make satisfactory proof as to residence. Now, Melvina Farris and her six children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further consideration of the Commission. She will be notified by mail of the action of the Commission in the premises. It will be necessary for applicant to make satisfactory proof of birth as to said children, their names not ~~be~~ being found upon any of the rolls.

SUPPLEMENTAL to the above application:

MILLIE FRYE? being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Millie Frye.

Q How old are you? A I am 64.

Q What is your post office? A Vinita.

Q Are you a Cherokee Freedman? A Yes, sir.

Q On the roll of 1880? A Yes, sir.

Q Do you know Viney Farris who has just applied to be enrolled?

A Yes, sir.

Q Did you know her mother? A Yes, sir.

Q Who was her mother? A Sophia Ross.

Q Was Sophia Ross and Melvina, were they slaves? A Yes, sir.

Q To whom did they belong? A Oliver Ross.

Q Was he a Cherokee citizen? A Yes, sir.

Q How long have you known Melvina? A I have known her ever since she was a baby.

Q You knew her mother, Sophia? A Yes, sir.

Q Was Sophia taken out of the Cherokee Nation during the war?

A Yes, sir.

Q Where to? A To Kansas.

Q When did they return? A I can't tell you.

Q When did you first see Melvina after the war?

A I don't remember just when it was.

Q Well, about how many years afterwards? A I don't know, 18 or 20 years.

Q You never saw her, Millie, after the war? A She lived with us while we were in Kansas.

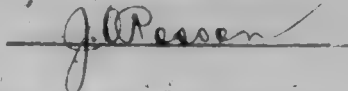
- Q Did you come back with Andy Frye? A No, sir.
Q Andy come first did he? A Yes, sir, he left her with her mother.
Q You don't know when she and her mother come? A No, sir.
Q Andy is her father? A Yes, sir.
Q You married Andy afterwards? A Yes, sir.
Q Did Andy and Sophia live together as man and wife? A Yes, sir,
and Oliver Ross lived out on the Verdigris and that separated them
and after he moved out there a while me and Andy was married.
Q Is Andy Frye living? A Yes, sir.
Q You say his name is on the roll of 1880? A Yes, sir.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant's father found thereon, page 259, #1074, Andrew Frye, Delaware district.

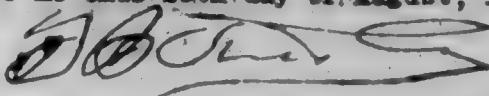
SUPPLEMENTAL JUDGMENT: The testimony of M/lie Frye, who is now the wife of Andrew Frye, indicates that the said Andrew and Sophia Ross lived together as man and wife a number of years before the war, and the said Andy Frye has been listed for enrollment and his name appears upon the authenticated roll of 1880 as per page and number of the roll as indicated in the testimony.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 26th day of August, 1901.



Commissioner.

DEPT. OF THE INTERIOR
COMMISSIONER OF THE FIVE CIVILIZED TRIBES
HOWARD, D.C. July 1st, 1901.

In the matter of the application of Frederick Harris for enrollment as a Cherokee Freedman, said Harris being sworn and examined by Commissioner T. H. Hedden, testified as follows:

Q What is your name? A Frederick Harris.

Q Where were you born? A Lenape.

Q What is your post office address? A Chapman District, Hunt District, do you live in? A Chapman District, Yes.

Q Do you wish to be enrolled as a Cherokee Freedman? A Yes.

Q Do you wish to enroll anybody besides yourself? A Just myself.

Q What is your father's name? A William Harris.

Q Is he living? A Yes sir.

Q What is your mother's name? A Win Harris.

Q Is she living? A Yes sir.

Q Where were you born? A Cherokee Nation.

Q Has your father and mother been enrolled by the Commissioner?

Q Yes sir.

Q You claim your citizenship through your mother?

Q Yes sir.

Q Is your name on any of the rolls of the Cherokee Nation?

Q Willard Roll I think.

Q You didn't find any Kern-Clifton money? A No, sir.

The 1890 Authenticated Roll, the 1894 Census Roll, the Kern-Clifton Roll or production of the Cherokee Nation, searched and name of applicant not found thereon.

(Applicant's name said to be on the roll.)

The Willard Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 112, 1894.

Commissioner T. H. Hedden. Frederick Harris applied for the enrollment of himself, to name in said found upon the Willard roll of 1894, or Census roll of 1894, as it is attested upon the Willard roll as a freedman. He says that he is a child of William Harris, who has been a slave of the United States since 1878, and a son of the

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES?
NOWATA, I.T., JUNE 21st, 1901.

In the matter of the application of Frederick Farris for enrollment as a Cherokee Freedman; said Farris being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Frederick Farris.
Q How old are you? A 21.
Q What is your post office address? A Lenapah.
Q What district do you live in? A Cooweescoowee District.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q What is your father's name? A William Farris.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Vin cy Farris.
Q Is she living? A Yes, sir.
Q Where were you born? A Cherokee Nation.
Q Has your father and mother been enrolled by the Commission?
A My mother was.
Q You claim your citizenship through your mother?
A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Wallace Roll I think.
Q You didn't draw any Kern-Clifton money? A No, sir.

The 1880 Authenticated Roll, the 1896 Census Roll, and the Kern-Clifton Roll of freedmen of the Cherokee Nation examined and name of applicant not found thereon.

(Applicant's name said to be Fry on the roll.)

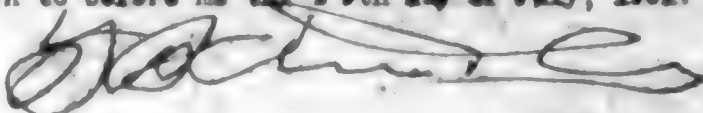
The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 192, #3496, Fred Fry, no district given.

COM'R NEEDLES: Frederick Farris applies for the enrollment of himself. His name is not found upon the authenticated roll of 1880, or census roll of 1896. He is duly identified upon the Wallace roll as Fred Fry. He avers that he is a child of Melvina Farris who has been listed for enrollment on doubtful card #772, and a copy of the testimony in the case of said Melvina Farris will be made a part of the record in the case at bar and filed herewith. Applicant makes satisfactory proof as to residence and will be listed for enrollment as a Cherokee Freedman upon a doubtful card for the further consideration of the Commission. He will be notified by mail of the decision of the Commission when the same is arrived at.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 9th day of July, 1901.



Commissioner

File with case C.F.D.#803 .

Supl.-C.F.D.#772.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
HELVINA PARIS as a Cherokee freedman; introduced on part of the
Cherokee Nation:

Appearances:

E. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee Representative.

Mr. Brown: Come now the Agent for the applicant and
objects to any testimony tending to disprove the citizenship
of this applicant for the reason that she is a descendant of
a person whose name appears upon the authenticated roll of
1880 and the decree of the United States Court of Claims, No.
17,209, of date February 3, 1896, under which this Commission
is making the roll of Cherokee freedmen, strictly prohibits
introduction of any testimony tending to disprove the citizen-
ship of any person whose name appears upon the authenticated
roll of 1880; that this applicant during the war and after the
close of the war was a minor and if she was entitled to take
at all it was through her parents, one of whose names appear
upon the authenticated roll of 1880.

Commission: The objection will be noted and the testimony
heard.

HAYWOOD ROWE, being duly sworn, testified as follows on part
of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A Haywood Rowe.
Q Do you know Helvina Paris? A Yes, sir.
Q How long have you known her? A About 25 years.
Q Where was she when you first saw her? A Up here at Houston
Rober's, her brother-in-law's.
Q About how old was she? A She was the mother of two children
then.
Q She was grown? A Yes, sir.
Q Where was she living at that time? A Up in Kansas.
Q Do you know what place? A Up about, near Humbolt, or at Hum-
bolt I don't know which.
Q Did you ever see her after that time? A Few years after that
time she come down to see her sister again.
Q Where was she living at that time? A She was living at the
same place.
Q Well, do you know where she is living now? A Yes, sir.
Q Where is she living now? A I don't know exactly, she is
living up there near Gooseneck Bend.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know whether or not from the time you got acquainted with
her up to the time she moved to the Gooseneck Bend, she ever went
back to Kansas? A I don't know.
Q Do you know her husband? A Yes, sir.
Q When they married what she moved into the Cherokee Nation?
A Yes, sir.

Q Now, you first got acquainted with her about twenty how many years ago? A About between 23 and 25 years ago.

Q And you say she was a sister-in-law of Houston Rogers?

A Yes, sir.

Q They are living up there now about Gooseneck bend?

A Yes, sir.

Q About how long have they been living up there in the Cherokee Nation about Gooseneck bend? A About 18 years, just about that.

Q That was sometime in the early part of the eighties she moved into the Cherokee Nation? A Yes, sir.

Q Had you seen her in the Cherokee Nation prior to the time you saw her at Houston Rogers' place? A No, sir.

Q Had you ever seen her prior to that in your life? A No, sir.

ME. BROWN:

Q There was a lot of people in the Cherokee Nation you never saw until three or four years ago? A Yes, sir.

Q You say when you saw her in 1877, or somewhere along there, she was not married? A Yes, sir.

Q How do you know? A She said she was not married.

Q How come she to tell you that? A I saw her there and she said she was not.

Q Well, now, from 1866 until 1877, do you know where Melvina Faris lived? A Only what she told me.

Q What did she tell you? A She said she lived up in Kansas.

Q You say she was grown in 25 or 6 years ago? A She had two children.

Q Well, was she grown? A I don't know whether she was or not.

Q You have stated she was, I want to know whether that is true or not? A Yes, sir.

Q What is Melvina Faris' father's name? A I don't know her father.

Q What is her mother's name? A Sophia.

Q Did you know Sophia at the time the war broke out?

A No, sir.

Q You don't know whether she was here in the Cherokee Nation at the close of the war or not? A No, sir, only what she told me.

Q What did she tell you? A She said she went back to Kansas.

Q What did she say about her father? A She said Andy Frye was her father.

Q Andy Frye is a recognized citizen of the Cherokee Nation, is he not? A Yes, sir.

Q When did she move in there? A About 18 or 20 years ago.

Q How long was it from the time you saw her until you say she moved to the Cherokee Nation? A It must have been about four or five years.

Q Then if you saw her 24 or 5 years ago and she moved here four or five years, according to your estimate, after you first saw her, what year did you say she came to this country? A I don't know the date, it was about three or four years before the payment she came down to visit her people.

Q Where were you living at that time? A I was working for Clem Rogers.

Q How far is that from the place that Melvina Faris lived at that time? A I don't know; I never was up about Humbolt.

Q You say she moved down here four or five years after you saw her at Houston Rogers and you attempt to state what place she moved to; now I want to know how far it is from the place where you were staying to the place where you claim she moved? A About nine or ten miles from Clem Rogers' to Catoca.

Q How do you know that when she moved on that place that was the first time she moved to the Cherokee Nation? A Her and her husband said so.

Q That is the only way you knew it? A That is what they say.

Q You don't know where she lived prior to 24 or 25 years ago?

A No, sir, only what she said, she said her mother was up there and died and she come down here hunting her people.

Q Did you know Jesse Brown during his lifetime? A No, sir.

Q At the time of his death he was a recognized citizen of the Cherokee Nation was he not? A Yes, sir.

Q Haywood, you have been a witness in a great many cases haven't you? A I think this is the third one.

Q You have never testified in this case before have you?

A Never did.

Q You were living in this country when the Wallace roll was made?

A Yes, sir.

Q And also when the Kern-Clifton roll was made? A I didn't go before Mr. Wallace.

Mr. Davenport: I object to any question about the Wallace roll because the Cherokee Nation was not represented in the making of the Wallace roll.

Q Well, now, Haywood, who did you first tell that you could testify about these facts? A I don't know; I don't know whether I told anybody or not, talking about these things all the time.

Q Did you ever tell any one that you knew these facts that you have testified to to-day? A I have talked about it to-day.

Q That is the first time you have told anyone what you claimed to know about these people? A No.

Q When was it? A It might have been in the spring.

Q Along about the time the application was made? A Yes, sir.

BENJAMIN NAVE, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A Benjamin Nave.

Q Where do you live? A Vinita.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Did you know a woman by the name of Melvina Faris? A Yes, sir.

Q Do you know her husband? A Yes, sir.

Q What is his name? A William Faris.

Q Where do they live now? A Last time I saw them they were living in Coffeyville, Kansas.

Q About how long ago was that? A About two years ago.

Q How long have you been acquainted with Melvina Faris?

A Ever since about '80.

Q Was she married then? A No, sir.

Q Where was she living when you got acquainted with her?

A Iola, Kansas.

Q Have you known her or met her often since that time? A Yes, sir; lived right by her.

Q How near have you lived to her since that time? A About three miles.

Q Where was she living when you lived that near to her? A On the Verdigris river.

Q Is that about where they call Goose-neck bend? A Yes, sir.

Q About when did she move to where she lived on the Verdigris river? A About a year before the Kern-Clifton payment.

Q Where was she living when you first got acquainted with her?

A Iola, Kansas.

Q Before she moved to the Cherokee Nation did she live at any other place than Iola? A Yes, she lived in Coffeyville.

- Q Was she married when she lived in Coffeyville? A Yes, sir.
- Q Was she married with reference to the time she moved to the Cherokee Nation? A I don't know just when she married this man, but when I met her there in Coffeyville she was living with this man and had two children.
- Q Well, about when now did she move from Kansas down to the Cherokee Nation? A Into the Cherokee Nation from Coffeyville?
- A Yes. A It was about a year before the Kern-Clifton payment.
- Q Did you ever know Jess Brown's family? A Yes, sir.
- Q Where did they live? A Lived just across the river from where she lived.
- Q Are any of them living up there now? A Yes, sir; some children.
- Q How far is it from where Melvina Paris lived to the place where Jess Brown's family lived? A About three miles and a half.
- Q Practically same neighborhood? A Yes, sir.
- Q Do you know whether or not Melvina Paris' mother was living at the time she moved to the Cherokee Nation? A Yes, sir.
- Q About how old was Melvina when you got acquainted with her?
- A She was a grown woman.
- MR. BROWN:
- Q You say her mother was living at the time you got acquainted with her? A What she called mother.
- Q Her name was Sophia Ross? A No, sir.
- Q What was her name? A She was living with a man named Jonas Carter.
- Q Now, don't you know as a matter of fact that her mother died before the war closed? A No, sir, I ~~can~~ don't know anything about what happened before the war closed.
- Q Are you prepared to state that is not a fact? A Which is not a fact?
- Q That her mother didn't die before the war closed? A The one she was living with and one she called mother didn't.
- Q How old are you? A I am 39 years old, be 40 next birthday.
- Q Did you go out of the Cherokee Nation during the war?
- A I don't know whether I did or not.
- Q Don't know when you returned do you? A No, sir.
- Q How, have you ever lived in Kansas? A Yes, sir.
- Q How long? A About 12 months.
- Q Never lived any longer than that? A No, sir.
- Q How long did you live in Oswego? A About 12 months.
- Q You swear that? A Yes, sir.
- Q What were you doing up there at Iowa? A Visiting.
- Q How did you fix the date? A It was after the payment I went from Tahlequah with Bill Ross after a span of mules and when we got up there we stopped with Jonas Carter and this woman was there.
- Q Where were you in 1890 or 1891? A In Fort Smith and up around in the Territory.
- Q Where was your home? A Didn't have any home.
- Q You are the same Benjamin Hare that gave an affidavit in the Tom Bell case before J. W. Wallace? A No, sir.
- Q You swear that? A Yes, sir.
- Q You know when J. W. Wallace made a roll don't you?
- A Yes, sir.
- Q And you never made any affidavits relative to his citizenship in the town of Muskogee in the year 1891? A No, sir.
- Q Just as positive about that as any other matter you testified to, aren't you? A Yes, sir.
- Q Now, you say you saw her in Humbolt? A No, sir.
- Q You did see her in Coffeyville? A Yes, sir.
- Q About what time of the year did you see her there?
- A I could not tell you.
- Q About what year was it? A It was just before the payment.
- Q What payment? A Kern-Clifton.

Q Where was she prior to the time you saw her in Iola in 1880?

A I don't know all the places I saw her.

Q Name one place? A She lived in Coffeyville.

Q Prior to 1880? A Yes, sir.

Q Now, from the time you saw her in Iola in 1880 and the time you saw her in Coffeyville, which you say was one year before the Kern-Clifton payment, where did she live? A She lived in Coffeyville Kansas when I met her there.

Q Now, from the time you claim you saw her in Iola in 1880 until you saw her in Coffeyville in a year before the Kern-Clifton payment, where did she live? A She lived in Iola when I got acquainted with her. She lived in Coffeyville the next time I met her, and if she lived anywhere else before that I am not prepared to tell you

Q How long was it from the time you saw her in Iola, Kansas, until you met her in Coffeyville? A It was ten or 15 years.

Q And you have already testified that you saw her in Coffeyville prior to 1880? A No, I didn't say that.

Q You didn't say that? A If I said; I saw her in Iola in 1880.

Q You are just as positive you have testified to that as any other statement you made? A I didn't say I seen her in Coffeyville in 1880,

Q You are just as positive that you have not testified that you saw this woman in Coffeyville, Kansas, prior to the year 1880 as you are to anything else you have testified to? A If I said that I didn't mean to, because I didn't see her there in 1880.

Q You have been a witness in a great many cases? A No, sir.

Q You have been in the employ of the Nation most of the time since April? A No, sir.

Q You have not? A No, sir.

MR. DAVENPORT:

Q If you were in the employ of the Nation at present would that cause you to tell a lie about having seen this woman in Kansas in 1880? A No, sir.

Q Would it cause you to tell a story about having seen her in Coffeyville prior to the Kern-Clifton Commission? A No, sir.

Q When did you come down to this enrollment? A This morning.

Q From your home in Vinita? A Yes, sir.

Q Were you subpoenaed here? A Yes, sir.

MR. BROWN:

Q This is not the first time you have been coming here?

A No, sir, I have been here ever since this here was a town.

Q I mean ever since the enrollment was here? A No, sir.

Q You have been subpoenaed here several times? A Once before.

Q You stayed several days? A Yes, sir.

REES CRAVENS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A Rees Cravens.

Q Where do you live? A I live at Vinita.

Q How long have you lived at Vinita? A About five or six years.

Q Did you ever live at Iola, Kansas, or near there? A Yes, sir.

Q About how long since you lived there? A Oh, it has been eight or nine years.

Q While you were living at Iola, Kansas, or near there, did you ever get acquainted with a colored woman by the name of Melvina Ross or Melvina—I don't know what name she went by then; did you ever get acquainted with a woman by that name? A Yes, sir.

Mr. Brown:

Q Mr. Cravens, have you ever been convicted of a felony?

Mr. Davenport: I object.

Commission: Note the objection and answer the question.
A I ain't being tried.

Mr. Davenport: Answer his question if you have been convicted of a felony.

A I don't know what you call a felony is.

MR. BROWN:

Q Have you ever served a term in the Penitentiary?

A Yes, sir.

Mr. Brown: I object to his testifying.

Q Served your time? A No, sir.

Q Were you pardoned? A Yes, sir.

Q Have you got your pardon with you? A No, sir, but I can prove it.

Q Where is it? A It is at home; I got it from Gov. Andy.

Q Have you ever been convicted of a felony here in the Indian Territory? A Yes, but it was on proof.

Q You pled guilty? A Yes, sir.

Q You served your time? A Yes, sir.

Mr. Brown: I object to his testifying.

MR. DAVENPORT:

Q You don't know what a felony is? A I was discharged.

Q You pled guilty to what? A Selling whisky.

Q And you served a jail sentence? A Yes, sir.

Q You say you got acquainted with a girl by the name of Melvina at Iola, Kansas? A They called her Viny Frye.

Q Have you seen her since you got acquainted with her at Iola?

A Yes, sir, I seen her there.

Q After you came here to this country? A I seen her twice in this country.

Q What name does she go by now? A Melvina Faris.

Q When was it you first got acquainted with her at Iola, Kansas?

A Along in '80.

Q Do you know whether she was living there at that time or not?

A Yes, she was living there.

Q How long did she live there to your knowledge after you got acquainted with her? A About seven or eight years.

Q Do you know whether she was living with any one there that she called mother? A I was not personally acquainted with her mother. They called her Aunt Sophia, I wasn't acquainted with her mother.

Q About what size was she when you got acquainted with her?

A I would take her to be between 17 or 18 years old.

Q That was along somewhere in 1880? A Yes, sir.

Q About grown then? A I would take her to be that.

Q Do you know where she is living now? A No, sir.

Q Do you know her husband, William Faris? A Yes, sir.

Q Is he a Minister of the Gospel? A Yes, sir, that is what he claims to be.

Q Did you ever know of her living anywhere else besides Iola, Kansas? A No, sir.

MR. BROWN:

Q Cravens, where did she live prior to 1880? A Iola, Kansas.

Q Did you say you knew her prior to that time? A No, sir.

Q You said her mother's name was Sophia? A That is what we they all said it was.

Q Where did you know her mother? A I didn't say I knew her mother. Her mother's name was Sophia, her stepfather's name was Jonas Carter.

Q Where was she in 1880? A I don't know. That is what they said her mother's name was.

Q How long did you live in the State of Kansas, Cravens?

A I don't know, you see I have been there many often and on since

the war.

Q Well, now, prior to the year 1880 you cannot state where the applicant in this case lived can you? A Where she was living in 1880?

Q Prior to 1880 can you state where this applicant lived? A I know where she ~~went~~ started to go when she left there.

Q Please answer my question? A I didn't say prior up to where she lived all the time, when she left there.

Q Now, when did she leave there? A I know she left there in 1880.

Q How do you fix 1880? A I was living there myself.

Q Do you know what year this is? A This is 1881, isn't it.

Q I thought you met her in Kansas? A I don't know when I met her, I know when she left there.

Q Do you know when the Kern-Clifton roll was made? A I don't know whether I was here or not.

Q You don't know whether you were here or not when this Kern-Clifton patent was made? A Yes, sir.

Q When was that? A I don't know.

Q Do you remember when the Wallace roll was made?

A I wasn't here.

Q What year were you born? A I don't know, I was born in, somewhere-

Q In what year were you first arrested? A I don't know.

Q You have been a great many times? A No, sir.

Q You were arrested one time for robbery? A No, sir.

Q Wasn't you arrested one time for breaking in a house on one Sunday morning? A No, sir.

Q And you deny that you served a sentence in the penitentiary?

A No, sir.

MR. DAVENPORT:

Q You say you don't know what year this is?

A I don't pay any attention to the year; I know this is the woman though.

Commission: This testimony will be filed in and made a part of the record in the following Cherokee Freedmen cases: D.-773, D.-803, D.-848, and in the case at bar.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 27, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Melvina Farris, et al.
for enrollment as Cherokee Freedmen, consolidating the applications
of

| | | |
|------------------------------|-------------------|-------|
| Melvina Farris, et al.,..... | Cherokee Freedmen | D 772 |
| Solomon Farris,..... | " | D 773 |
| Frederick Farris,..... | " | D 803 |
| Bertha Baldrige,..... | " | D 848 |

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Melvina Farris for herself and her minor children, Elijah, Mattie, Lula, Leroy and Luther Farris, and subsequent to her original application, an affidavit was filed showing the birth of her minor child, Watt Farris, and the same is made a part of the record herein; by Melvina Farris for her adult son, Solomon Farris, who is of unsound mind; by Frederick Farris for himself; and by Bertha Baldrige for herself.

The evidence shows that the applicant, Melvina Farris, was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until about one year prior to the Kearsy-Clifton payment, which was made in 1867. It does not appear that her husband, William Farris, was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The evidence further shows that all the other applicants herein were born since 1866, and are the descendants of Melvina Farris, claiming the right to enrollment through her. It does

not appear that the names of any of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Melvina Farris, Elijah Farris, Mattie Farris, Lula Farris, Leroy Farris, Luther Farris, Watt Farris, Solomon Farris, Frederick Farris and Bertha Baldrige as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby.

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Dated at Muskogee, Indian Territory,

this

JUL 1 - 1903

Cherokee Freedmen
D-803.

Muskogee, Indian Territory, July 11, 1903.

Frederick Farris,
Lenapah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee Freedman, together with a copy of the Commission's decision, dated July 1, 1903, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

F. B. [Signature]
Commissioner in Charge.

Register .

Enc. H-66.

COPY.

Cherokee Freedmen
D-772, D-773,
D-808, D-848.

Muskogee Indian Territory, July 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the consolidated case of Melvina Farris, et al., including the Commission's decision, dated July 1, 1903, rejecting the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Solomon and Frederick Farris and Martha Baldrige, as Cherokee Freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. K-70.

COPY.

Cherokee Freedmen
D-772, D-773,
D-803, D-848.

Muskogee, Indian Territory, July 11, 1903.

W. V. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Melvina Farris, et al., rejecting the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Solomon and Frederick Farris, and Bertha Baldrige, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. L. Needles.
Commissioner in Charge.

Enc. H-69.

LAND 44286-1904.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, MARCH 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated July 11, 1903, transmitting record relative to the application of Melvina Farris et al., for enrollment as Cherokee freedmen.

Melvina Farris applied for the enrollment of herself and her minor children, Elijah, Mattie, Lula, Leroy and Luther Farris. Subsequent to her original application she applied for the enrollment of Watt Farris, born since the date of the original application. Watt Farris is properly identified by a birth affidavit. She also applied for the enrollment of her adult son, Solomon Farris who is of unsound mind. Frederick Farris and Bertha Baldrige applied for the enrollment of themselves.

Melvina Farris nee Frye, belonged to Susan and Oliver Ross at the commencement of the war. They were citizens of the Cherokee Nation. She was taken to Kansas during the war. All of the applicants to the case, except the principal applicant, are her descendants. The record does not show that the names of any of them appear on the Cherokee roll of 1860. Neither does it show that

William Farris, husband of Melvina Farris, was a slave of a Cherokee citizen or of a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

From the record it does not seem that the principal applicant returned to the Cherokee Nation in good faith prior to the expiration of the time limit fixed by the treaty of 1866, and it is therefore recommended that the decision of the Commission of July 1, 1903, adverse to them be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

G.A.W.-L.C.

D. C. 16226-1904.

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DEPARTMENT OF THE INTERIOR,

WASHINGTON.

ITD 2312-1904.

May 13, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 11, 1903, you transmitted the record of proceedings in the consolidated Cherokee Freedmen case of Melvina Farris et al., including your decision of July 1, 1903, rejecting the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Solomon and Frederick Farris and Bertha Baldrige.

Reporting in the matter March 15, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

Thos Ryan

1 inclosure.

Acting Secretary.

Muskogee, Indian Territory, May 20, 1904.

Frederick Farris,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 13, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-772 et al.

Muskogee, Indian Territory, May 20, 1904.

W.W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, in the consolidated case of Melvina Parris et al., rejecting the applications for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Frederick and Solomon Parris and Bertha Baldrige as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 13, 1904.

Respectfully,

Commissioner in Charge.

B

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11.

CHEROKEE FREEDMEN.

Date June 21, 1901
Post Office Penapah, St.
District CR

Owner's name _____ Citizenship _____
 Year March 192 No. 3496 District. _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____

Names of Children:

| | Year | Page | No. | Dist. |
|-----|------|------|-----|-------|
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
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| 10. | | | | |
| 11. | | | | |
| 12. | | | | |

Application made by

No. 10 Date 10/10/1910
Stenographer E. O. Ross

Our Wallace sold a Fred. Grey.

XRef 19772

AFFIDAVIT.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } SS
NORTHERN DISTRICT.

Farris

In the matter of the application of *Fredrick*
for enrollment as a Cherokee Freedman.

No. F. D. *803*

Henry Pack, of lawful age, being duly sworn on
oath states that on the *21st* day of *September*, A. D., 1901, he registered
to *Fredrick Farris* whose postoffice is *Lenapah*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at *Fort Gibson* Indian Territory;

and that on the *28th* day of *September*, 1901, he received the return
card which is hereto attached, signed by the said *Fredrick Farris*, showing
that he had received said notice.

Subscribed and sworn to before me on this the *28th* day of *Sept*, A. D. 1901.

Henry Pack
J. C. Starr

Notary Public.

22803

D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 2 1901



ACTING CHIEF

NOTICE!

IN THE MATTER OF the application of Fredrick Farris
for enrollment as Cherokee Freedmen:
Case No. F. D. 803

To Fredrick Farris Lempah F. F.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 24th 1901 at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings
J. A. Sampson
Attorneys for the Cherokee Nation.

REGISTRY RECEIPT.

Post Office at

Registered Letter
~~Packet~~

No. 3

Rec'd

, 190

of

addressed to

GIBSON

H. M.

Hubbard Ross, P. M.

P. M.

File 803

Division of the United States

FILED

MAR 22 1902

[Signature]
SPECIAL AGENT IN CHARGE

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Frederick Farris,

Lenapeh, I. T.

Cherokee-F-D-803.

Register

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 307

See Cher. Fr. R. 304, 1239

Cher. Fr. R. 307

File with Bertha Baldridge, C. F. D. 848.

~~File with Melvina Farris et al. C. F. D. 772.~~

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 19th 1901.

In the matter of the application of Melvina Farris for the enrollment of herself and four children as Cherokee Freedmen; said Farris being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Melvina Farris.
Q How old are you? A I don't know exactly how old I is.
Q Well, about how old? A I guess I am about 46 or 7.
Q What is your post office? A Lenapah.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many? A Nine.
Q Are you married? A Yes sir.
Q What is your husband's name? A William Farris.
Q Is your name on the roll of 1880? A It ought to be on there.
Q What is your father's name? A Andy Frye.
Q What is your mother's name? A Sophia Ross.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir, she is dead.
Q Now, give me the names of your children under 21 years of age, commencing with the oldest? A Solomon.
Q How old is he? A 25; he is not right bright, he can't tell me his own age.
Q Now, give me the names of the children that are under 21 and not married? A Elijah.
Q How old is Elijah? A 18.
Q The next one? A Mattie, 15; Lula, 13; Leroy, 10.
Q Next one? A Luther, seven; Watt is four.
Q Is that all? A Yes sir.
Q Is your husband living? A Yes sir.
Q Where is he? A He is on the ground here.
Q You don't apply for him? A No sir.
Q Are you and he living together? A Yes sir.
Q Were you ever married before? A No sir.
Q Your maiden name was Ross? A Fry, my mother never was enrolled; my father was enrolled.
Q Did you draw what is known as strip money? A No sir, my name was displaced.
Q Did you ever draw any money? A Yes sir, drew on the Wallace roll.
Q Did you draw for any of these children? A Drewed for the three oldest ones.
The 1880 authenticated, the 1896 census and Kern-Clifton rolls of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Wallace roll of freedmen of the Cherokee Nation examined and name of applicant found thereon, page 185 #3390, Viney Ross, no district given.
Q You never drew for these younger children did you? (No response)
Q Have you any witnesses here? A Yes sir.
Q Who are they? A Jim liberty and Allen Lynch.
Q Where were you born? A I was born in the Territory.
Q Cherokee Nation? A Yes sir.
Q Lived there all your life? A Yes sir.
Q What is your father's name? A Andy Frye.
Q Is he a Cherokee freedman? A Yes sir.
Q Name on the roll of 1880? A Yes sir.
Q What was your mother's name? A Sophia Ross.
Q Is her name on the roll of 1880? A No sir.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A Samie Ross and Oliver Ross.
Q Is she living? A No sir she is dead.

- Q Was Susan and Oliver Ross Cherokee citizens? A Yes sir.
- Q You were a born slave yourself? A Yes sir.
- Q Were you taken out of the Cherokee Nation during the war? A Yes sir
- Q Where to? A Up north.
- Q Your mother with you? A Yes sir.
- Q What part of the north? A Kansas.
- Q Well, when did you return from Kansas? A In '66.
- Q Who did you return with? A Uncle Jess Brown brought me down.
- Q How long did your mother live after that? A I dont know exactly how long she lived.
- Q Where did you come to? A Uncle Jess Brown brought me, I was at his house.
- Q Is he living? A No sir, he is dead.
- Q Was your mother dead before 1880, 20 years ago? A She died right away after the war.
- Q Who raised you yourself? A I staid around with my brothers.
- Q Who were your brothers? A George Ross and Jonas Ragsdale.
- Q Are they living? A Yes sir.
- Q Are their names on the roll of 1880? A Yes sir.
- Q Why isn't your name there? A I dont know.
- Q Your brother you say was Jonas Ragsdale? A Yes sir.
- Q And who else? A George Ross.
- Q Are they older or younger than you? A They are younger.
- Q You have always lived in the Cherokee Nation? A Yes sir.
- Q How many times have you been married? A Once.
- Q To William Farris, is he living? A Yes sir.
- Q Is he the father of all these children? A Yes sir.
- Q Is your husband a citizen? A Adopted citizen.
- Q He is known as a State man? A Yes sir.
- Q Are these children all living at this time? A Yes sir.
- (By W. W. Hastings, Cherokee Representative)
- Q Where did Jess Brown live when you come down? A I dont know, sir. I was too small to remember it, I know Uncle Jess brought me down.
- Q Was uncle Jess living down in this country? A I dont know sir, where he was living.
- Q Well, if you were too small to remember where he was living, wasn't a little too small to know the date? A I always know I was brought down in '66 because I just lived around with my brothers, because I had no mother.
- Q Well, where did you live when you first come down here? A I lived with my brother Jonas on Pryor creek.
- Q Well, where did you first see Jim Alberty? A I dont know, sir whereabouts the first time I ever saw him.
- Q You don't remember that? A No sir.
- Q Well, did you stay with Jess Brown a while after you come down here? A Yes sir.
- Q Well, you dont remember what part of the Cherokee Nation he was living in? A No sir
- Q About how many years after the war did your mother live? A I dont know how many, I was quite small when my mother died.
- Q Did she die in the Nation? A No sir, she died in the Nation.
- Q And Jess Brown went up and brought you down? A Yes sir.
- Q Did the rest of Jess Brown's family come with you? A I dont know whether it was his family or not.
- Q Do you remember what other folks come with him? A No sir.
- Q, Is any of Jess Brown's folks living? A I dont know sir, whether there is or not.
- Q Well, you were about ten years old then wasn't you? A Probably I was, I don't recollect anything about slavery.
- Q I mean when you come down here? A Probably I was about that old, I dont know.
- Q Well, who did you go to living with first when you come down here? My brother Jonas.
- Q Did you go to keeping house? A No sir, he was married.
- Q He was living down here when Jess brought you down? A Yes sir.

Q Jess brought you down and you found out where your brother was living?
 A I staid with uncle Jess and when I found out where my brother Jonas was I went to him.
 Q You didn't come back with your brother? A My brother was already here
 Q Well, you dont know about how long you staid with Jess Brown? A No sir, I dont.
 Q Do you think you staid as much as a year? A I dont know whether it was or not.
 Q Do you remember what time of the year it was Jess brought you down?
 A No sir.
 Q Don't know wether it was spring, summer or fall? A No sir.
 Q Do you know what time of the year it was you went to live with your brother Jonas? A Yes sir, it was in the fall when I went to live with him.
 Q You dont know how long you had been at Jess Brown's then? A No sir.
 Q Jonas was living on Pryor creek you say? A Yes sir.
 Q He was married then? A Yes sir.
 Q Did he have any children at that time? A He had two.
 Q What were their names? A Sophia and one was named Viney.
 Q That was when you went there? A Yes sir.
 Q How much older was your brother than you? A I dont know how much older or younger than I was.
 Q He was grown when the war broke out? A Yes sir.
 Q Was Jonas married when the war broke out? A No sir.
 Q Do you know where he was married? A No sir.
 Q Did he marry after he came back here? A He must.
 Q He had two children when you went down there? A Yes sir.
 (By Com'r Needles)
 Q Was Andy Frye your father? A My natural father, my step father is here on the ground now.
 Q Sophia Ross was your mother? A Yes sir.
 Q Was Andy Frye and Sophia Ross married? A They were living together as man and wife.
 Q Did they go to Kansas together? A My mother went to Kansas, they didn't go together, she had the consumption.
 Q Your mother was a slave? A Yes sir.
 Q And belonged to? A Oliver Ross.
 (By Mr. Hastings) Q You were a slave yourself? A Yes sir but I was small.

JIM ALBERTY, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Jim Alberty.
 Q How old are you, Jim? A 70 years old.
 Q What is your post office? A Chouteau.
 Q You claim to be a Cherokee Freedman? A Yes sir
 Q Do you know this applicant here, Melvina Farris? (No response)
 Q Do you know her by the name of Melvina Frye? A Yes sir.
 Q How long have you known her? A Well, I don't know, I have known her pretty near all her life.
 Q Was she ever married? A When I saw her last she wasn't married.
 Q What was her father's name? A Andy Frye.
 Q What was her mother's name? A I forget her mother's name.
 Q Well do you know whether Melvina was a slave? A Yes sir, I think she was, I dont know whether she was born a slave or not; I knew her mother was.
 Q Sophia Ross? A Yes sir, that is the name.
 Q To whom did Sophia belong? A Oliver Ross.
 Q Well, was Sophia taken out of the Cherokee Nation during the war, do you know? A No sir, I don't know.
 Q When was the first time you saw Viney Ross after the war? A This girl?
 Q Yes. A When Jess Brown came back from Kansas in '66, he brought her

back I saw her there in that year.

Q At Jess Brown's house? A Yes sir.

(By Mr. Hastings)

Q Where was Jess Brown living? A He was living at my house at that time when he first came back there, down on the river.

Q Down on Grand river? A Yes sir.

Q Did Jess Brown have a family? A Yes sir, he had a wife and no children

Q How long did this girl stay down there? A I don't know, when he left there and went away with her I never saw her any more.

Q He took her away with him? A Yes sir, took her up here to where he lived; he built out there on Gooseneck Bend.

Q And he went up there did he? A Yes sir.

Q How long did he stay down at your house? A He staid there near a month.

Q You never saw this girl before the war, yourself? A No sir, not to know her.

Q That was the first time you had ever seen her? A ~~That was~~ Yes sir, that is, to know her.

Q Did Jess Brown have any children of that woman? A The woman he had?

Q Yes. A After he left there.

Q Didn't have any then? A No sir, had one soon after.

Q But didn't have any at that time? A No sir.

Q Well when did you ever see this woman again? A I never saw her any more for several years after he moved up here on Gooseneck.

Q Was she living there then with Jess Brown? A Yes sir, Jesse had her then.

Q Four or five years afterwards? A Yes sir.

Q Up here on Gooseneck? A Yes sir, she was pretty near to grown woman then.

Q Where do you say now Jess Brown went from your place? A He went up here towards Gooseneck bend, that is where he went to.

Q You don't know where he lived? A Not until four or five years afterwards I was at his house up there.

Q You are the fellow that testified about meeting some man that was ferrying across the river between Muskogee and Fort Gibson in '66 when he went backwards and forwards to Muskogee to trade didn't you?

A Yes sir.

Q And you testified in another case about driving some cattle going 45 miles driving some cattle and back in the same day? A I didn't say 45 I said from where Tom Knight lived.

Q From what place? A There on Hook creek.

Q You have been a witnesses in a good many cases? A Yes sir.

Q You are not on the 1880 roll yourself? A No sir.

Q Your citizenship is contested? A I don't know about that.

Q You are on a doubtful card? A Yes sir, of course I know that.

Q Well, now, after you saw this girl living with Jess Brown four or five years afterwards, when did you next see her? A Right here.

Q And this is the third time since you have seen her since the war? A Yes sir.

Q And you remember now Jess Brown coming to your house 35 years ago? A Yes sir.

Q Was her mother with her then? A No sir.

Q Wasn't anybody but Jess Brown and his wife and this girl? A That is all I noticed.

Q What was Jess Brown's wife's name? A I don't know; don't recollect now, I knowed.

Q How old was this girl when she came to your house there? A I don't know, right smart strip of a girl.

Q About what age would she be the first time you saw her? A About eight or ten years old.

Q Did she have a brother or sister with her? A No sir.

Q Do you know that she was living four or five years afterwards with Jess Brown on Gooseneck bend? A Yes sir.

Q How far did you live from Jonas Sagsdale on Pryor creek? A I don't know how far it was.

Q About how far? A Jonas lived pretty well.

- Q Were you ever at his house? A No sir.
Q Do you know when he married? A No sir, I dont know.
(By Com'r Needles)
Q Did you know this girl's mother? A Yes sir, I knowed her.
Q Who did she live with? A Oliver Ross.
Q Was she ever married? A I dont know whether she was married or not.
Q Well, did she ever live with a man and as his wife? A She had children, I dont know whether she had married or not.
Q Did you know Andrew Frye? A Yes sir.
Q Well, did Andrew Frye and Sophia, the girl's mother, live together?
A I dont know.
Q How old are you Jim, 70? A 70.
Q You have been in this country a good while? A Yes sir.
Q You have been in this country almost all your life? A Yes sir.

ALLEN LYNCH, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Allen Lynch.
Q How old are you, Mr. Lynch? A 61 years old.
Q What is your post office? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant here, Viney Farris? A Yes sir, I know her.
Q What was her mother's name? A Sophia Ross.
Q Do you know her father? A Yes sir.
Q What is his name? A Andy Frye or Andy Clark used to be.
Q Did they live together as man and wife? A I dont know whether they did or not, no sir.
Q Well, now, who did Sophia Ross, this girl's mother, belong to?
A She belonged to Oliver Ross.
Q Melvina belonged to Oliver also did she? A Yes sir.
Q Well was Sophia Ross and Melvina taken out of the Cherokee Nation during the war between the North and the South? A Yes sir.
Q Where to? A Went to Kansas.
Q Well when did they return? A I dont know that.
Q When was the first time you saw Viney here after the war? A The first time I seen her was the time of the Wallace roll.
Q That was several years afterwards? A Yes sir.
Q You dont know anything about when she returned and when Sophia, her mother returned? A No sir.
Q You saw her during the Wallace Court? A Yes sir.
Q You know her since that? A Yes sir.
(By Hastings)
Q Did you see her mother then? A No sir.
Q Did she say where her mother was at that time? A Seems to me she said her mother was dead.
Q You dont know when she come back? A No sir.
Q Where did Oliver Ross live? A Well he lived right down on the low edge of what we call the Marous prairie, right down below the Orphan Asylum, below Locust Grove.
Q Where did Andy Frye live? A He lived right up on the branch about three quarters of a mile from where Ross lives now.
(By Com'r Needles)
Q Was Oliver Ross a Cherokee? A Yes sir.
Q Cherokee Indian? A Yes sir.

MELVINA FARRIS, the applicant, recalled: By Mr. Hastings:

- Q When was the first time you saw your step mother? A When I went up North.
Q I mean after you come back here? A I saw her when I was about, good sized girl.
Q Well how long after the war, as much as ten years? A Yes sir.
Q Is that the best you can recollect? A I saw her a good many times at places but I never did come to their house, but I have seen her a good many times.
(By Com'r Needles)

Q You say you never drew any money for any of these younger children?
A No sir.

Com'r Needles: Melvina Farris applies for the enrollment of herself and five children, to-wit: Elijah, Mattie, Lula, Leroy, Luther and Watt. She cannot be found upon any of the rolls of the Cherokee Nation except the Wallace roll and is duly identified upon the Wallace roll. She avers that hse is a child of Andrew Frye by Sophia Ross. She avers that Sophia Ross was a slave of Oliver and Susan Ross, and that she was also a slave. She avers that she was taken out of the Cherokee Nation during the war, and returned in the year 1866; that she is now married to one William Farris, the father of the children for whom she applies. William Farris is what is known as a State man and not a Cherokee Freedman in his own right. They are all duly identified and make satisfactory proof as to residence. Now, Melvina Farris and her six children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further consideration of the Commission. She will be notified by mail of the action of the Commission in the premises. It will be necessary for applicant to make satisfactory proof of birth as to said six children, their names not being found upon any of the rolls.

Supplemental to the above application:

MILLIE FRYE, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Millie Frye.
Q How old are you? A I am 64.
Q What is your post office? A Vinita.
Q Are you a Cherokee freedman? A Yes sir.
Q On the roll of 1880? A Yes sir.
Q Do you know ~~any~~ Viney Farris who has just applied to be enrolled? A Yes sir.
Q Did you know her mother? A Yes sir.
Q Who was her mother? A Sophia Ross.
Q Was Sophia Ross and Melvina, were they slaves? A Yes sir.
Q To whom did they belong? A Oliver Ross.
Q Was he a Cherokee citizen? A Yes sir.
Q How long have you known Melvina? A I have known her ever since she was a baby.
Q You knew her mother, Sophia? A Yes sir.
Q Was Sophia taken out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Kansas.
Q When did they return? A I can't tell you.
Q When did you first see Melvina after the war? A I dont remember just when it was.
Q Well, about how many years afterwards? A I dont know, 18 or 20 years.
Q You never saw her, Millie, after the war? A She lived with me while we were in Kansas.
Q Did she come back with Andy Frye? A No sir.
Q Andy come first did he? A Yes sir, he left her with her mother.
Q You dont know when she and her come? A No sir.
Q Andy is her father? A Yes sir.
Q You married Andy afterwards? A Yes sir.
Q Did Andy and Sophia live together as man and wife? A Yes sir, and Oliver Ross lived out on the Verdigris and that separated them and after he moved out there a while me and Andy was married.
Q Is Andy Frye living? A Yes sir.
Q You say his name is on the roll of 1880? A Yes sir.

The 1880 authenticated roll of freedmen of the Cherokee Nation examined and name of applicant's father found thereon, page 250, #1074, Andrew Frye, Delaware district.

SUPPLEMENTAL JUDGMENT: The testimony of Millie Frye, who is now the wife of Andrew Frye, indicates that the said Andrew Frye and Sophia Rose lived together as man and wife a number of years before the war, and the said Andy Frye has been listed for enrollment and his name appears upon the authenticated roll of 1880 as per page and number of the roll as indicated in the testimony.

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he has correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Reason.

Subscribed and sworn to before me this 24 day of July, 1901.

(Signed) G. M. Breckinridge

Commissioner.

I, Chas. von Weise, upon my oath state that the foregoing is a full and correct copy of the original.

Chas von Weise

Subscribed and sworn to before me this 11th of October, 1901.

[Signature]

Commissioner.

EX-101

Department of the Interior,
Commission to Enslave Civilized Indians,
June 25th 1901, Florida, U. S.

In the matter of the application of Martha Salbridge for enrollment as
Shooree freedman, she being sworn by Commissioner, R. B. Needles,
Testified as follows:-

- Q What is your name? A. Martha Salbridge.
Q What is your age? A. 35.
Q What is your birth place? A. Elliott.
Q In what State do you live in? A. Tennessee.
Q Do you apply as a Shooree freedman? A. Yes sir.
Q Do you want to have enrolled besides yourself? A. Just myself.
Q Is your name on the roll of 1867? A. Yes to No.
Q What is your father's name? A. William Farris.
Q Is he living? A. Yes sir.
Q What is your mother's name? A. Vine.
Q Is she living? A. Yes sir.
Q Are you married? A. Yes sir.
Q What is your husband's name? A. John Salbridge.

Applicant not found on the roll of 1867

Applicant not found on the roll of 1868.

- Q Is your name on any roll? A. The Wallace roll.
Q Did you draw strip money? A. Yes sir.

Wallace roll examined and the applicant found as follows:
Page 122, A. 5420, Martha Farris.

- Q Do you claim your citizenship through your mother? A. Yes sir.
Q And her name is what? A. Vine Farris.
Q Where were you born? A. In the Shooree Nation.
Q Have you ever been married all your life? A. Yes sir.
Q Have you any children? A. Yes sir.
Q Do you want them enrolled? A. Yes sir for husband enrolled first.

Department of the Interior,
Commission to the Five Civilized Tribes,
June 28th 1901, Nowata, I. T.

In the matter of the application of Bertha Baldrige for enrollment as a Cherokee freedman; she being sworn by Commissioners R. B. Needles, testified as follows:-

- Q What is your name? A. Bertha Baldrige.
Q What is your age? A. 23.
Q What is your post office address? A. Elliott.
Q In what district do you live in? A. Cooweescoowee.
Q Do you apply as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. Just myself.
Q Is your name on the roll of 1880? A. It got to be.
Q What is your fathers name? A. William Farris.
Q Is he living? A. Yes sir.
Q What is your mothers name? A. Vina.
Q Is she living? A. Yes sir.
Q Are you married? A. Yes sir.
Q What is your husbands name? A. John Baldrige.

Applicant not found on the roll of 1880

Applicant not found on the roll of 1890.

- Q Is your name on any roll? A. The Wallace roll.
Q Did you draw any money? A. No sir.
Q How does your name happen to be on the roll as Frye? A. My mother went by her fathers name and his name was Frye.

Wallace roll examined and the applicant found as follows:
Page 102 No. 3496, Bertha Frye.

- Q Do you claim your citizenship through your mother? A. Yes sir.
Q And her name is what? A. Vina Farris.
Q Where were you born? A. In the Cherokee Nation.
Q Have you lived here all your life? A. Yes sir.
Q Live here now? A. Yes sir.
Q Have you any children? A. Yes sir.
Q Do you want them enrolled? A. No sir my husband enrolled them.

By Com'r Needles:- Bertha Baldrige applies for herself, she is not found on the authenticated roll of 1880, but claims to be the child of Wm. and Melvina Farris, and the said Melvina Farris, through whom she claims her citizenship, is listed for enrollment of Freedman D. Card No. 772, and the testimony therein will be made a part of this record and a copy thereof filed herein. She avers that she is now married to John Baldrige. Now Bertha Baldrige will be listed for enrollment as a Cherokee freedman on a doubtful card and she will be notified of the final result of her application, by mail.

Chas. von Weiso, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above case, and the foregoing is a true and complete transcript of his stenographic notes therein.

Subscribed and sworn to before me this 21st day of July, 1901.
[Signature]
Commissioner.

File with case C.F.D.# 848

Supl.-C.F.D.#772.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
MELVINA FARIS as a Cherokee freedman; introduced on part of the
Cherokee Nation:

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee Representative.

Mr. Brown: Comes now the Agent for the applicant and objects to any testimony tending to disprove the citizenship of this applicant for the reason that she is a descendant of a person whose name appears upon the authenticated roll of 1880 and the decree of the United States Court of Claims, No. 17,209, of date February 3, 1896, under which this Commission is making the roll of Cherokee freedmen, strictly prohibits introduction of any testimony tending to disprove the citizenship of any person whose name appears upon the authenticated roll of 1880; that this applicant during the war and after the close of the war was a minor and if she was entitled to take at all it was through her parents, one of whose names appear upon the authenticated roll of 1880.

Commission: The objection will be noted and the testimony heard.

HAYWOOD ROWE, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A Haywood Rowe.
Q Do you know Melvina Faris? A Yes, sir.
Q How long have you known her? A About 25 years.
Q Where was she when you first saw her? A Up here at Houston Rober's, her brother-in-law's.
Q About how old was she? A She was the mother of two children then.
Q She was grown? A Yes, sir.
Q Where was she living at that time? A Up in Kansas.
Q Do you know what place? A Up about, near Humbolt, or at Humbolt I don't know which.
Q Did you ever see her after that time? A Few years after that time she come down to see her sister again.
Q Where was she living at that time? A She was living at the same place.
Q Well, do you know where she is living now? A Yes, sir.
Q Where is she living now? A I don't know exactly, she is living up there near Coconock Bend.
Q Is the Cherokee Nation? A Yes, sir.
Q Do you know whether or not from the time you got acquainted with her up to the time she moved to the Coconock Bend, she ever went back to Kansas? A I don't know.
Q Do you know her husband? A Yes, sir.
Q Were they married when she moved into the Cherokee Nation?
A Yes, sir.

Q Now, you first got acquainted with her about twenty how many years ago? A About between 23 and 25 years ago.

Q And you say she was a sister-in-law of Houston Rogers?

A Yes, sir.

Q They are living up there now about Gooseneck bend?

A Yes, sir.

Q About how long have they been living up there in the Cherokee Nation about Gooseneck bend? A About 18 years, just about that.

Q That was sometime in the early part of the eighties she moved into the Cherokee Nation? A Yes, sir.

Q Had you seen her in the Cherokee Nation prior to the time you saw her at Houston Rogers' place? A No, sir.

Q Had you ever seen her prior to that in your life? A No, sir.

MR. BROWN:

Q There was a lot of people in the Cherokee Nation you never saw until three or four years ago? A Yes, sir.

Q You say when you saw her in 1877, or somewhere along there, she was not married? A Yes, sir.

Q How do you know? A She said she was not married.

Q How came she to tell you that? A I saw her there and she said she was not.

Q Well, now, from 1866 until 1877, do you know where Melvina Faris lived? A Only what she told me.

Q What did she tell you? A She said she lived up in Kansas.

Q You say she was grown in 25 or 6 years ago? A She had two children.

Q Well, was she grown? A I don't know whether she was or not.

Q You have stated she was, I want to know whether that is true or not? A Yes, sir.

Q What is Melvina Faris' father's name? A I don't know her father.

Q What is her mother's name? A Sophia.

Q Did you know Sophia at the time the war broke out?

A No, sir.

Q You don't know whether she was here in the Cherokee Nation at the close of the war or not? A No, sir, only what she told me.

Q What did she tell you? A She said she went back to Kansas.

Q What did she say about her father? A She said Andy Frye was her father.

Q Andy Frye is a recognized citizen of the Cherokee Nation, is he not? A Yes, sir.

Q When did she move in there? A About 18 or 20 years ago.

Q How long was it from the time you saw her until you say she moved to the Cherokee Nation? A It must have been about four or five years.

Q Then if you saw her 24 or 5 years ago and she moved here four or five years, according to your estimate, after you first saw her, what year did you say she came to this country? A I don't know the date, it was about three or four years before the payment she came down to visit her people.

Q Where were you living at that time? A I was working for Clem Rogers.

Q How far is that from the place that Melvina Faris lived at that time? A I don't know; I never was up about Humbolt.

Q You say she moved down here four or five years after you saw her at Houston Rogers and you attempt to state what place she moved to; now I want to know how far it is from the place where you were staying to the place where you claim she moved? A About nine or ten miles from Clem Rogers' to Catassa.

- Q How do you know that when she moved on that place that was the first time she moved to the Cherokee Nation? A Her and her husband said so.
- Q That is the only way you know it? A That is what they say.
- Q You don't know where she lived prior to 24 or 25 years ago?
- A No, sir, only what she said, she said her mother was up there and died and she came down here hunting her people.
- Q Did you know Jess Brown during his lifetime? A No, sir.
- Q At the time of his death he was a recognized citizen of the Cherokee Nation was he not? A Yes, sir.
- Q Haywood, you have been a witness in a great many cases haven't you? A I think this is the third one.
- Q You have never testified in this case before have you?
- A Never did.
- Q You were living in this country when the Wallace roll was made?
- A Yes, sir.
- Q And also when the Kern-Clifton roll was made? A I didn't go before Mr. Wallace.

Mr. Davenport: I object to any question about the Wallace roll because the Cherokee Nation was not represented in the making of the Wallace roll.

- Q Well, now, Haywood, who did you first tell that you could testify about these facts? A I don't know; I don't know whether I told anybody or not, talking about these things all the time.
- Q Did you ever tell any one that you knew these facts that you have testified to to-day? A I have talked about it to-day.
- Q That is the first time you have told anyone what you claimed to know about these people? A No.
- Q When was it? A It might have been in the spring.
- Q Along about the time the application was made? A Yes, sir.

BENJAMIN NAVE, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A Benjamin Nave.
- Q Where do you live? A Vinita.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Did you know a woman by the name of Melvina Farris? A Yes, sir.
- Q Do you know her husband? A Yes, sir.
- Q What is his name? A William Farris.
- Q Where do they live now? A Last time I saw them they were living in Coffeyville, Kansas.
- Q About how long ago was that? A About two years ago.
- Q How long have you been acquainted with Melvina Farris?
- A Ever since about '80.
- Q Was she married then? A No, sir.
- Q Where was she living when you got acquainted with her?
- A Iola, Kansas.
- Q Have you known her or met her often since that time? A Yes, sir, lived right by her.
- Q How near have you lived to her since that time? A About three miles.
- Q Where was she living when you lived that near to her? A On the Verdigris river.
- Q Is that about where they call Goose-neck bend? A Yes, sir.
- Q About when did she move to where she lived on the Verdigris river? A About a year before the Kern-Clifton payment.
- Q Where was she living when you first got acquainted with her?
- A Iola, Kansas.
- Q Before she moved to the Cherokee Nation did she live at any other place than Iola? A Yes, she lived in Coffeyville.

- Q How do you know that when she moved on that place that was the first time she moved to the Cherokee nation? A Her and her husband said so.
- Q That is the only way you know it? A That is what they say.
- Q You don't know where she lived prior to 24 or 25 years ago?
- A No, sir, only what she said, she said her mother was up there and died and she come down here hunting her people.
- Q Did you know Jess Brown during his lifetime? A No, sir.
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- Q Haywood, you have been a witness in a great many cases haven't you? A I think this is the third one.
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- A Never did.
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- Q When was it? A It might have been in the spring.
- Q Along about the time the application was made? A Yes, sir.

BENJAMIN NAVE, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A Benjamin Nave.
- Q Where do you live? A Vinita.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Did you know a woman by the name of Melvina Farris? A Yes, sir.
- Q Do you know her husband? A Yes, sir.
- Q What is his name? A William Farris.
- Q Where do they live now? A Last time I saw them they were living in Coffeyville, Kansas.
- Q About how long ago was that? A About two years ago.
- Q How long have you been acquainted with Melvina Farris?
- A Ever since about '80.
- Q Was she married then? A No, sir.
- Q Where was she living when you got acquainted with her?
- A Iola, Kansas.
- Q Have you known her or met her often since that time? A Yes, sir; lived right by her.
- Q How near have you lived to her since that time? A About three miles.
- Q Where was she living when you lived that near to her? A On the Verdigris river.
- Q Is that about where they call Gonseneck bend? A Yes, sir.
- Q About when did she move to where she lived on the Verdigris river? A About a year before the Kern-Clifton payment.
- Q Where was she living when you first got acquainted with her?
- A Iola, Kansas.
- Q Before she moved to the Cherokee nation did she live at any other place than Iola? A Yes, she lived in Coffeyville.

Q Was she married when she lived in Coffeyville? A Yes, sir.

Q Was she married with reference to the time she moved to the Cherokee Nation? A I don't know just when she married this man, but when I met her there in Coffeyville she was living with this man and had two children.

Q Well, about when now did she move from Kansas down to the Cherokee Nation? A Into the Cherokee Nation from Coffeyville?

A Yes. A It was about a year before the Kern-Clifton payment.

Q Did you ever know Jess Brown's family? A Yes, sir.

Q Where did they live? A Lived just across the river from where she lived.

Q Are any of them living up there now? A Yes, sir; some children.

Q How far is it from where Melvina Paris lived to the place where Jess Brown's family lived? A About three miles and a half.

Q Practically same neighborhood? A Yes, sir.

Q Do you know whether or not Melvina Paris' mother was living at the time she moved to the Cherokee Nation? A Yes, sir.

Q About how old was Melvina when you got acquainted with her?

A She was a grown woman.

MR. BROWN:

Q You say her mother was living at the time you got acquainted with her? A What she called mother.

Q Her name was Sophia Ross? A No, sir.

Q What was her name? A She was living with a man named Jonas Carter.

Q Now, don't you know as a matter of fact that her mother died before the war closed? A No, sir, I ~~now~~ don't know anything about what happened before the war closed.

Q Are you prepared to state that is not a fact? A Which is not a fact?

Q That her mother didn't die before the war closed? A The one she was living with and one she called mother didn't.

Q How old are you? A I am 39 years old, 40 next birthday.

Q Did you go out of the Cherokee Nation during the war?

A I don't know whether I did or not.

Q Don't know when you returned do you? A No, sir.

Q Now, have you ever lived in Kansas? A Yes, sir.

Q How long? A About 12 months.

Q Never lived any longer than that? A No, sir.

Q How long did you live in Oswego? A About 12 months.

Q You swear that? A Yes, sir.

Q What were you doing up there at Iowa? A Visiting.

Q How did you fix the date? A It was after the payment I went from Tahlequah with Bill Ross after a span of mules and when we got up there we stopped with Jonas Carter and this woman was there.

Q Where were you in 1890 or 1891? A In Fort Smith and up around in the Territory.

Q Where was your home? A Didn't have any home.

Q You are the same Benjamin Bave that gave an affidavit in the Tom Bell case before J. W. Wallace? A No, sir.

Q You swear that? A Yes, sir.

Q You know when J. W. Wallace made a roll don't you?

A Yes, sir.

Q And you never made any affidavits relative to his citizenship in the town of Muskogee in the year 1891? A No, sir.

Q Just as positive about that as any other matter you testified to, aren't you? A Yes, sir.

Q Now, you say you saw her in Humbolt? A No, sir.

Q You did see her in Coffeyville? A Yes, sir.

Q About what time of the year did you see her there?

A I could not tell you.

Q About what year was it? A It was just before the payment.

Q What payment? A Kern-Clifton.

- Q Where was she prior to the time you saw her in Iola in 1880?
 A I don't know all the places I saw her.
 Q Name one place? A She lived in Coffeyville.
 Q Prior to 1880? A Yes, sir.
 Q Now, from the time you saw her in Iola in 1880 and the time you saw her in Coffeyville, which you say was one year before the Kern-Clifton payment, where did she live? A She lived in Coffeyville, Kansas when I met her there.
 Q Now, from the time you claim you saw her in Iola in 1880 until you saw her in Coffeyville in a year before the Kern-Clifton payment, where did she live? A She lived in Iola when I got acquainted with her. She lived in Coffeyville the next time I met her, and if she lived anywhere else before that I am not prepared to tell you.
 Q How long was it from the time you saw her in Iola, Kansas, until you met her in Coffeyville? A It was ten or 15 years.
 Q And you have already testified that you saw her in Coffeyville prior to 1880? A No, I didn't say that.
 Q You didn't say that? A If I said; I saw her in Iola in 1880.
 Q You are just as positive you have testified to that as any other statement you made? A I didn't say I seen her in Coffeyville in 1880.
 Q You are just as positive that you have not testified that you saw this woman in Coffeyville, Kansas, prior to the year 1880 as you are to anything else you have testified to? A If I said that I didn't mean to, because I didn't see her there in 1880.
 Q You have been a witness in a great many cases? A No, sir.
 Q You have been in the employ of the Nation most of the time since April? A No, sir.
 Q You have not? A No, sir.
- MR. DAVENPORT:
- Q If you were in the employ of the Nation at present would that cause you to tell a lie about having seen this woman in Kansas in 1880? A No, sir.
 Q Would it cause you to tell a story about having seen her in Coffeyville prior to the Kern-Clifton Commission? A No, sir.
 Q When did you come down to this enrollment? A This morning.
 Q From your home in Vinita? A Yes, sir.
 Q Were you subpoenaed here? A Yes, sir.
- MR. BROWN:
- Q This is not the first time you have been coming here?
 A No, sir, I have been here ever since this here was a town.
 Q I mean ever since the enrollment was here? A No, sir.
 Q You have been subpoenaed here several times? A Once before.
 Q You stayed several days? A Yes, sir.

REES CRAVENS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A Rees Cravens.
 Q Where do you live? A I live at Vinita.
 Q How long have you lived at Vinita? A About five or six years.
 Q Did you ever live at Iola, Kansas, or near there? A Yes, sir.
 Q About how long since you lived there? A Oh, it has been eight or nine years.
 Q While you were living at Iola, Kansas, or near there, did you ever get acquainted with a colored woman by the name of Melvina Ross or Melvina? I don't know what name she went by then; did you ever get acquainted with a woman by that name? A Yes, sir.
- MR. BROWN:
- Q Mr. Cravens, have you ever been convicted of a felony?
 Mr. Davenport: I object.

Commission: Note the objection and answer the question.

A I ain't being tried.

Mr. Davenport: Answer his question if you have been convicted of a felony.

A I don't know what you call a felony is.

MR. BROWN:

Q Have you ever served a term in the Penitentiary?

A Yes, sir.

Mr. Brown: I object to his testifying.

Q Served your time? A No, sir.

Q Were you pardoned? A Yes, sir.

Q Have you got your pardon with you? A No, sir, but I can prove it.

Q Where is it? A It is at home; I got it from Gov. Andy.

Q Have you ever been convicted of a felony here in the Indian Territory? A Yes, but it was on proof.

Q You pled guilty? A Yes, sir.

Q You served your time? A Yes, sir.

Mr. Brown: I object to his testifying.

MR. DAVENPORT:

Q You don't know what a felony is? A I was discharged.

Q You pled guilty to what? A Selling whisky.

Q And you served a jail sentence? A Yes, sir.

Q You say you got acquainted with a girl by the name of Melvina at Iola, Kansas? A They called her Viny Frye.

Q Have you seen her since you got acquainted with her at Iola?

A Yes, sir, I seen her there.

Q After you came here to this country? A I seen her twice in this country.

Q What name does she go by now? A Melvina Faris.

Q When was it you first got acquainted with her at Iola, Kansas?

A Along in '80.

Q Do you know whether she was living there at that time or not?

A Yes, she was living there.

Q How long did she live there to your knowledge after you got acquainted with her? A About seven or eight years.

Q Do you know whether she was living with any one there that she called mother? A I was not personally acquainted with her mother. They called her Aunt Sophia, I wasn't acquainted with her mother.

Q About what size was she when you got acquainted with her?

A I would take her to be between 17 or 18 years old.

Q That was along somewhere in 1880? A Yes, sir.

Q About grown then? A I would take her to be that.

Q Do you know where she is living now? A No, sir.

Q Do you know her husband, William Faris? A Yes, sir.

Q Is he a Minister of the Gospel? A Yes, sir, that is what he claims to be.

Q Did you ever know of her living anywhere else besides Iola, Kansas? A No, sir.

MR. BROWN:

Q Cravens, where did she live prior to 1880? A Iola, Kansas.

Q Did you say you knew her prior to that time? A No, sir.

Q You said her mother's name was Sophia? A That is what they all said it was.

Q Where did you know her mother? A I didn't say I knew her mother. Her mother's name was Sophia, her stepfather's name was Jonas Carter.

Q Where was she in 1880? A I don't know. That is what they said her mother's name was.

Q How long did you live in the State of Kansas, Cravens?

A I don't know, you see I have been there many often and on other

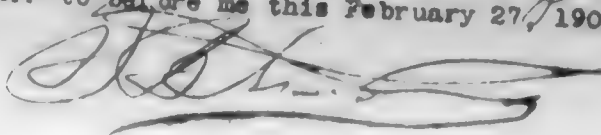
- the war.
- Q Well, now, prior to the year 1880 you cannot state where the applicant in this case lived can you? A Where she was living in 1880?
- Q Prior to 1880 can you state where this applicant lived? A I know where she ~~went~~ started to go when she left there.
- Q Please answer my question? A I didn't say prior up to where she lived all the time, when she left there.
- Q Now, when did she leave there? A I know she left there in 1880.
- Q How do you fix 1880? A I was living there myself.
- Q Do you know what year this is? A This is 1881, isn't it.
- Q I thought you met her in Kansas? A I don't know when I met her, I know when she left there.
- Q Do you know when the Kern-Clifton roll was made,? A I don't know whether I was here or not.
- Q You don't know whether you were here or not when this Kern-Clifton payment was made? A Yes, sir.
- Q When was that? A I don't know.
- Q Do you remember when the Wallace roll was made?
- A I wasn't here.
- Q What year were you born? A I don't know, I was born in, somewhere-
- Q In what year were you first arrested? A I don't know.
- Q You have been a great many times? A No, sir.
- Q You were arrested one time for robbery? A No, sir.
- Q Wasn't you arrested one time for breaking in a house on one Sunday morning? A No, sir.
- Q And you deny that you served a sentence in the penitentiary?
- A No, sir.
- MR. DAWSON:
- Q You say you don't know what year this is?
- A I don't pay any attention to the year; I know this is the woman though.

Commission: This testimony will be filed in and made a part of the record in the following Cherokee Freedmen cases: D.-775, D.-803, D.-848, and in the case at bar.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 27, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Melvina Farris, et al.
for enrollment as Cherokee Freedmen, consolidating the applications
of

| | |
|------------------------------|-------------------------|
| Melvina Farris, et al.,..... | Cherokee Freedmen D 772 |
| Solomon Farris,..... | " " D 773 |
| Frederick Farris,..... | " " D 808 |
| Bertha Baldrige,..... | " " D 848 |

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Melvina Farris for herself and her minor children, Elijah, Mattie, Lula, Leroy and Luther Farris, and subsequent to her original application, an affidavit was filed showing the birth of her minor child, Watt Farris, and the same is made a part of the record herein; by Melvina Farris for her adult son, Solomon Farris, who is of unsound mind; by Frederick Farris for himself; and by Bertha Baldrige for herself.

The evidence shows that the applicant, Melvina Farris, was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until about one year prior to the termination payment, which was made in 1867. It does not appear that her husband, William Farris, was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The evidence further shows that all the other applicants herein were born about 1840, and are the descendants of said Melvina Farris, claiming the right of enrollment through her. It does

-2-
not appear that the names of any of the applicants herein are found on the 1890 authenticated Cherokee roll.


It is, therefore, the opinion of this Commission that the applications for the enrollment of Melvina Farris, Elijah Farris, Mattie Farris, Lula Farris, Lorey Farris, Luther Farris, Watt Farris, Solomon Farris, Frederick Farris and Bertha Baldrige as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 20, 1906 (34 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


C. R. Hutchinson
Commissioner.


W. E. Haney
Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 1 - 1903

Cherokee Freedmen
D-348.

Muskogee, Indian Territory, July 11, 1903.

Bertha Baldrige,

Elliott, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee Freedman, together with a copy of the Commission's decision, dated July 1, 1903, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge.

Register.

Enc. H-67.

Cherokee Freedmen
D-772, D-773,
D-803, D-848.

Muskogee Indian Territory, July 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the consolidated case of Melvina Farris, et al., including the Commission's decision, dated July 1, 1903, rejecting the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Solomon and Frederick Farris and Bertha Baldrige, as Cherokee Freedmen.

Respectfully,

L. D. Needles

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. N-70.

COPY.

Cherokee Freedmen
D-772, D-773,
D-803, D-846.

Muskogee, Indian Territory, July 11, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Melvina Farris, et al., rejecting the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Solomon and Frederick Farris, and Bertha Baldrige, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. S. Macfles.

Commissioner in Charge.

Enc. H-69.

LAND 44286-1904.

COPY

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, MARCH 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated July 11, 1903, transmitting record relative to the application of Melvina Farris et al., for enrollment as Cherokee freedmen.

Melvina Farris applied for the enrollment of herself and her minor children, Elijah, Mattie, Lula, Leroy and Luther Farris. Subsequent to her original application she applied for the enrollment of Watt Farris, born since the date of the original application. Watt Farris is properly identified by a birth affidavit. She also applied for the enrollment of her adult son, Solomon Farris, who is of unsound mind. Frederick Farris and Bertha Balaridge applied for the enrollment of themselves.

Melvina Farris nee Frye, belonged to Susan and Oliver Ross at the commencement of the war. They were citizens of the Cherokee Nation. She was taken to Kansas during the war. All of the applicants to the case, except the principal applicant, are her descendants. The record does not show that the names of any of them appear on the Cherokee roll of 1880. Neither does it show that

William Farris, husband of Melvina Farris, was a slave of a Cherokee citizen or of a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

From the record it does not seem that the principal applicant returned to the Cherokee Nation in good faith prior to the expiration of the time limit fixed by the treaty of 1866, and it is therefore recommended that the decision of the Commission of July 1, 1903, adverse to them be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

G.A.W.-L.C.

D. C. 16226-1904.

JP

THE

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

ITD 2312-1904.

May 13, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 11, 1903, you transmitted the record of proceedings in the consolidated Cherokee Freedmen case of Melvina Farris et al., including your decision of July 1, 1903, rejecting the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Solomon and Frederick Farris and Bertha Baldrige.

Reporting in the matter March 15, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-848

Muskogee, Indian Territory, May 20, 1904.

Bertha Baldrige,

Elliott, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 13, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-772 et al.

Wuskoget, Indian Territory, May 20, 1904.

W.W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, in the consolidated case of Melvina Farris et al., rejecting the applications for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Frederick and Solomon Farris and Bertha Baldrige as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 13, 1904.

Respectfully,

Commissioner in Charge.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

ss

In the matter of the application of Bertha
Baldrige for enrollment as a Cherokee Freedman.

No. F. D. 848

Henry Pack, of lawful age, being duly sworn on
oath states that on the 21st day of September, A. D., 1901, he registered
to Bertha Baldrige whose postoffice is Kellist

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;
and that on the 30th day of September, 1901, he received the return
card which is hereto attached, signed by the said Bertha Baldrige showing
that he had received said notice.

Subscribed and sworn to before me on this 30th day of Sept, A. D. 1901.

J. C. Starr
Notary Public.

84848

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 2 1901.



ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Bertha Baldrige
for enrollment as Cherokee Freedmen:

Case No. F. D. 848

To Bertha Baldrige Elliott I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 24th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings
J. S. Sampson
Attorneys for the Cherokee Nation.

REGISTRY RECEIPT

Post Office at

Registered Letter No. 328
Parcel 1

of

addressed to

Bertha Baldrige
Elliott I. T.

SEP 21 1901
GIBSON, I. T.

P. E.

①.

82848.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 25 1901

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MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 25, 1906
 Post Office Chattanooga
 District Ar.

1. Name _____ Age _____
 Owner's name _____ Citizenship _____
 Year 1906 No. _____ District _____
 Parents: !!!

Father _____ Citizenship _____
 Mother _____ Citizenship _____

1. Name of wife Bertha ~~James~~ Age 23
 Owner's name _____ Citizenship _____
 Year Wallace 1902 No. 3496 District _____

Parents:
 Father Wm. James - living Citizenship _____
 Mother Anna " - living Citizenship _____

Names of Children:

| | Year | Page | No. | Dist. |
|-----|------|------|-----|-------|
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |
| 7. | | | | |
| 8. | | | | |
| 9. | | | | |
| 10. | | | | |
| 11. | | | | |
| 12. | | | | |

[Large signature across rows 6-10]

Application made by Mo. 1 Stenographer Chas. von Meire

On Wallace roll as Bertha Fry

X Ref N 772

RECEIVED

FILED

MAR 22 1902

[Handwritten signature]

AT THE OFFICE

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen,

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Martha Baldrige,

Elliott, I. T.

Cherokee-F-D-348.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 308

See Cher. Fr. R. 189

Cher. Fr. R. 308

Radio Fox, Vol. 1

ment of the child Nadi, her first name will not be listed for enrollment, but only a memorandum of the fact of her birth will be made. A memorandum will, as required by law, be reported in due time to the Secretary of the Interior, of which the applicant will be given due notice, and in accordance with the present understanding of the law his approval of a decision of the Commission should it be finally rendered that it has no jurisdiction whatever in the case will be final in the premises. As for the child, Radio Fox, 2 years of age, this child is considered to have no rights except those which it derives through its mother. In view of the decision in her case this child will now be listed for enrollment as a Cherokee Freedman on a Rejected card. As to the fact of the birth of these children and their being alive there appears to be an affidavit of birth in each case, which will be permitted to be filed in attestation of the fact of birth. If the Commission finally rejects the applicant and her child Nadi, their action will be made known to the applicant at her post-office address, and it will be duly reported to the Secretary of the Interior for his approval, as provided by law.

W. Green, being first duly sworn, deposes that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 5th, 1901, at Tahlequah, Indian Territory



Commissioner.

File with Name, case of Ethel Fox, C. F. N.

Department of the Interior,
Commission to the Five Civilized Tribes,
Flint, I. T., October 30, 1901.

In the matter of the application of Carrie Fox for the enrollment of herself and two children as Cherokee Freedmen; being sworn and examined by Commissioner Brookbridge, she testified as follows:

- Q Give me your full name? A Carrie Fox.
Q How old are you? A 23.
Q What is your post-office address? A Hayden.
Q In what district do you live? A Lightning, I live here on Lightning.
Q ~~Do you want to be enrolled as a Cherokee Freedman?~~ In what district do you live, Coescooscoos? A Coescooscoos.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to have anybody enrolled besides yourself? A My 2 children.
Q Have you a husband? A Yes sir, I have a husband.
Q Do you apply for him? A No sir.
Q You just apply for yourself and 2 children? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A I am on the Wallace roll.
Q And do you think that is all? A Yes sir.
Q Give me the name of your father? A Ellis Warren.
Q Is he dead? A No sir.
Q Does your father claim to be a Cherokee Freedman? A No sir.
Q He does not? A No sir.
Q Give me the name of your mother? A Mandy Warren.
Q Is your mother alive? A No sir, she is dead.
Q She claim to be a Cherokee Freedman? A Yes sir.
Q How long has she been dead? A About 5 or 6 years I think.
Q As well as I can remember, I was small and I can't remember.
Q How old would your mother be if she were living now? A I don't know sir, you will have to ask my sister, I was too small.
Q Have you a full sister named Annie Elms? A Yes sir.
Q She has already applied hasn't she? A Yes sir.
Q And all this testimony about your mother and all that has been gone into in her case? A Yes sir.
Q How long have you lived in the Cherokee Nation, were you born here? A Yes sir.
Q Have you lived here all your life? A Yes sir, right near it. I have been in Texas part of the time.
Q Where did you live when you were not here? A Texas.
Q When did you come from Texas? A I have been backwards and forwards here to see about my home and stock all the time.
Q When was the first time you ever came here from Texas? A Well about a year ago I think.
Q About a year ago you came for the first time? A Yes sir.
Q Are you living down in Texas at this present time? A No sir, I am here at home with my father.
Q Well you came here first about a year ago, have you been here ever since you came that time? A No sir, I haven't been here ever since. I go backwards and forwards.
Q Give me the names of your 2 children? A Ethel Fox (Presents birth certificate.)
Q This child is 4 years old isn't it? A Yes sir.
Q Born in 1896? A Yes sir.
Q Is this child on any roll? A No sir.
Q Where was the child born? A Texas.
Q When you have another child named Carrie Fox? A Yes sir.
Q This child is about 2 years old, nearly 2 years old now isn't it? A Yes sir.
Q Well where was this child born? A Texas.
Q When were you married? A Texas.
Q When were you married? A When I was 19 years old.

- Q To whom were you married? A Jim Fox.
 Q Is he a colored man? A Yes sir.
 Q ~~Jim~~ He is a state man isn't he? A Yes sir.
 Q Have you a certificate of ~~your~~ marriage? A No sir, not here.
 Q Were you ever married except to this man, Jim Fox? A No sir.
 Q Was he ever married except to you? A No sir.
 Q How old a man is Jim Fox? A He is about 25.
 Q Where is he now? A With his father in Texas.
 Q You and he still claim each other as husband and wife? A Yessir.
 Q What is he doing down there, farming? A Yes sir, he is farming with his father.
 Q Who did you live with down in Texas before you got married?
 A My aunt Net Champion.
 Q She is an aunt of yours? A Yes sir.
 Q Where was your mother, was she with you? A My mother is dead.
 Died when I was a little bit of a girl, and my father sent me to Texas to go to school.
 Q And where was your father all that time? A Here in the Cherokee Nation.
 Q ~~He left you down there to go to school?~~
 A Yes sir, sent me there to go to school.
 Q Well where you born there? A No sir, born here in the Cherokee Nation.
 Q What was the first time you ever came to the Cherokee Nation from Texas, was it about a year ago? A That was not the first time I ever came here; you mean the first time I ever came, I came backwards and forwards all the time to see my father while I was in school.
 Q You were born here in the Cherokee Nation? A Yes sir.
 Q How old were you when you went to Texas? A I don't know exactly how old I was, my sister or father can tell you that.
 Q You went there when you were a little thing? A Oh no sir, I was near about a young lady I suppose.
 Q Well it was more than seven years ago, it was before you got married? A Yes sir.
 Q Because you were married down there? A Yes sir, I married in Texas.
 Q You are on no roll but the Wallace roll, you don't claim to be on any other roll? A No sir, I guess not, I don't know.
 Q Well I don't want to look them up unless it is necessary, if you know it will save us a good deal of work, do you know? A Well the Wallace roll is the onliest one I know.
 Q The only one you claim to be on? A Yes sir.

Com'r: All the rolls examined and reported to be only on the Wallace roll.

Wallace roll, page 151 #3145, Carrie Warren, Coconawasee District.

1880 authenticated roll and 1896 census roll of citizens of the Cherokee nation examined for Mandy Warren and Ellis Warren, and names not found thereon.

NOTE on Wallace roll states: (Opposite applicant's name) "Child of Ellis Warren."

BY MR. HASTINGS, Cherokee representative:

- Q Well you went to school in Texas? A Yes sir.
 Q Well you ought to know some thing about your age when you went down there? A Yes, but I don't know anything about my age.
 Q Well about how old were you? A My sister can tell you.
 Q Well I am getting after you to tell me, you got on the stand?
 A Well I guess I was about 14 or 15 years old as near as I can remember, but I am not positive, because I don't know for certain.
 Q How long before you married did you go down there? A Well I don't know how long before, exactly.
 Q You don't have no idea how long you were there before you were

Carrie Fox et al 3

married? A No sir, I don't.

Q How long did you go to school there? A Well I went to school there a good while.

Q Well about how long? A Well I reckon about 3 years, two or three.

Q You have been living down with your husband ever since you married? A No, I have been backwards and forwards; him and I have both been here in the Cherokee Nation.

Q But you never kept house here? A No sir, we never exactly kept house here; came back to see about my place here and my pappa.

Q He is down there now? A Yes sir, he is.

Q Farming? A Yes sir.

BY COM'R BRACKINRIDGE;

Q Your child Ethel you say is not on any roll at all? A No sir.

Q Where is that child now? A She is in to my father's.

Q Did you bring her up with you this last time? A Yes sir. She is out to pa's in the country.

Q Both of them are living now, these children? A Yes sir, both of them are living.

Q When did you leave your husband down there in Texas, when did you come here this time? A Well I don't know sir, about,

Q Week, or two weeks? A Well it has been longer than that, I guess.

Q Did you bring either of the children with you? A I brought them both with me, I haven't brought them here in town, but they are out home.

COMMISSIONER BRACKINRIDGE: The applicant applies for the enrollment of herself and two children. She claims to be the child of a deceased colored woman, Mandy Warren, who is alleged to have been a Cherokee Freedman, and seems to have died quite a number of years ago, but is not identified on the roll of 1880; apparently she died prior to any subsequent roll. There is no dispute as to the applicant being the child of this woman, Mandy. It is uncertain what rights, if any, she acquired through her mother, but that question, it appears, is fully developed in the case of one Annie Sims, Cherokee Freedman Doubtful Case No. 860; but apart from that, the applicant is now 22 years of age. She is not identified on the roll of 1880 or on the roll of 1896 or on the Kern-Clifton roll, but is identified on the Wallace roll. It also appears from her testimony that she was sent to Texas when quite a girl to attend school, and after attending school for some 2 or 3 years she there married to a Texas colored man, for whom no right of citizenship is claimed. This marriage occurred 7 years ago, and it is considered obvious from the testimony that the applicant has lived with her husband consistently in the State of Texas since that time, with the exception of an occasional visit to the Cherokee Nation. Her 2 children, one 6 years of age and the other 2, were both born in the State of Texas. She states that she has returned to the Cherokee Nation from time to time since her marriage, but has never taken up her domicile in the Cherokee Nation. Her husband is now in Texas engaged in farming, and the applicant returned some two or three weeks ago on the present visit. Whatever her rights may have been under her mother, it is considered clear that she has abjured her rights by consistently acquiring a residence and making her home in the State of Texas for a number of years, and the applicant will now be listed as a Cherokee Freedman for rejection. As for her 2 children, the child Ethel Fox is old enough, being 6 years of age, to be upon the roll of 1896, and also upon the Kern-Clifton roll. This child is not upon any roll. It is considered that under the act of May 31, 1900, and in accordance with the terms of the injunction of the United States Court this Commission has no jurisdiction or power to receive or consider an application for the enroll-

Carrie Fox et al 4

ment of the child Ethel, therefore this child Ethel will now be listed for enrollment in no form, but only a memorandum of the fact of the application will be made; this memorandum will, as required by law, be reported in due time to the Secretary of the Interior, of which the applicant will be given due notice, and in accordance with the present understanding of the law his approval of a decision of the Commission should it be finally rendered that it has no jurisdiction whatever in the case will be final in the premises. As for the child, Sadie Fox, 2 years of age, this child is considered to have no rights except those which it derives through its mother. In view of the decision in her case this child will now be listed for enrollment as a Cherokee Freedman on a Rejected card. As to the fact of the birth of these children and their being alive there appears to be an affidavit of birth in each case, which will be permitted to be filed in attestation of the fact of birth. If the Commission finally rejects the applicant and her child, Sadie, their action will be made known to the applicant at her post-office address, and it will be duly reported to the Secretary of the Interior for his approval, as provided by law.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this November 5th, 1901, at Tahlequah, Indian Territory



Commissioner.

C.F.B.
880

Cherokee Freedmen A-308.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ethel Fox as a Cherokee freedman.

-: D E C I S I O N :-

The record herein shows that on October 30, 1901 at Vinita, Indian Territory, Carrie Fox appeared before the Commission and made application for the enrollment of herself and her two minor children, Ethel and Sadie Fox as Cherokee freedmen. As the rights of Carrie and Sadie Fox have heretofore been passed upon by the Commission, they will not be embraced in this decision.

The evidence herein shows that the applicant, Ethel Fox is the minor child of Carrie Fox and Jim Fox a non-citizen and has always resided with her mother. The Commission has heretofore found in the case of Carrie Fox, et al., Cherokee freedmen A-189 that the said Carrie Fox is not entitled to enrollment as a Cherokee freedman and the said Ethel Fox possesses no rights not possessed by her said mother.

It is, therefore, the opinion of this Commission that the application for the enrollment of Ethel Fox as a Cherokee freedman should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


C. R. Anderson.

Waskagee, Indian Territory,
MAY 2 1905

COMMISSIONERS:
TAMM HIXBY,
THOMAS B. NEEDLES,
C. R. BRECKENRIDGE

WM. O. BEALL
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

8661
COPIES TO BE MADE TO THE FOLLOWING:

Cherokee Freedmen

R-308.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 2, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application for the enrollment of Carrie Fox, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 3-25


Chairman.

COPY.

Cherokee Freedmen

R-308.

Muskogee, Indian Territory, May 2, 1905.

Carrie Fox,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and your minor child, Ethel Fox, as Cherokee freedmen, together with a copy of the Commission's decision dated May 2, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). *Tams Dixby.*
Chairman.

Incl. S-24
Register

COPY.

Cherokee Freedmen
R-308.

Muskogee, Indian Territory, May 2, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Carrie Fox, et al., as Cherokee freedmen, including the Commission's decision dated May 2, 1905, rejecting said application.

Respectfully,

(SIGNED)

Terre Dixby
Chairman.

Incl. S-26.

Through the

Commissioner of Indian Affairs.

Refer in reply
to the following:

Land
34871-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

May 16, 1905

The Honorable,

The secretary of the Interior

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 2, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Carrie Fox for the enrollment of her minor child, Ethel Fox.

May 2, 1905, the Commission decided adversely to the applicant.

The record shows that Ethel Fox is the child of Carrie Fox and Jim Fox, a non-citizen and has always resided with her mother.

Under date of April 5, 1904 (I.T.D. 1256-1904) the Department approved the decision of the Commission adverse to the application of Carrie Fox.

In view of the record the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

K.M.M. (4)

C.F. Larrabee
Acting Commissioner

(C O P Y)

D. C. 38293-1905
I.T.D. 5722-1905

Y.P.
PHE

DEPARTMENT OF THE INTERIOR

L R S

WASHINGTON.

August 5, 1905

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 2, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Ethel Fox as a Cherokee freedman, including its decision of the same date, rejecting said application.

Reporting May 16, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN

Acting Secretary

1 inclosure.

Cherokee Freedmen

COPY.

R-308.

Muskogee, Indian Territory, August 18, 1905.

Carrie Fox,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting your application for the enrollment of your minor child, Ethel Fox, as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 5, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

(SIGNED)

Wm O Beale
Acting Commissioner.

LS

Incl. S-48

REPORT IN REPLY TO THE FOLLOWING:
Cherokee Freedmen

R-308.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 18, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application for the enrollment of Ethel Fox as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 5, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

W. O. Beall

Acting Commissioner,

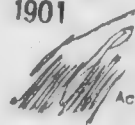
LS

Incl. S-49

① Memo 368

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Oct 30th 1901Post Office Waynes 9.7.District low

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents: _____

Father Memo Lane Citizenship _____

Mother _____ Citizenship _____

2. Name of wife _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents: _____

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

| | | | | | |
|-----|-------------------|------|------|-----|-------|
| 3. | <u>Ladia</u> | Year | Page | No. | Dist. |
| 4. | <u>Barrie Fox</u> | Year | Page | No. | Dist. |
| 5. | <u>Ethel Fox</u> | Year | Page | No. | Dist. |
| 6. | | Year | Page | No. | Dist. |
| 7. | | Year | Page | No. | Dist. |
| 8. | | Year | Page | No. | Dist. |
| 9. | | Year | Page | No. | Dist. |
| 10. | | Year | Page | No. | Dist. |
| 11. | | Year | Page | No. | Dist. |
| 12. | | Year | Page | No. | Dist. |

Application made by Mother, Barrie Fox Stenographer M. J. Green

Applicant represented by Agent of S. Legach

IN RE

Application for Enrollment of

INFANT CHILD

Ethel Fox

as a citizen of

Cherokee

Nation.

Approved, *Oct 30*

1901.

J. A. Smith
Commissioner.DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT

1901

[Signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

I, *Ethel Fox*, Application for Enrollment, as a citizen of the *Cherokee* Nation,
of *Ethel Fox* (Here insert name of child), born on the *31* day of *October*, 189*5*.
Name of Father: *Jim Fox*, a citizen of the *United States* Nation.
Name of Mother: *Carrie Fox*, a citizen of the *Cherokee* Nation.
Post-office, *Hayden, W. Va.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, *Carrie Fox*, on oath state that I am *23* years of age and a citizen, by *adoption*, of the *Cherokee* Nation; that I am the lawful wife of *Jim Fox*, who is a citizen, by *adoption*, of the *United States* Nation, that a *female* child was born to me on the *31* day of *October*, 189*5*; that said child has been named *Ethel Fox*, and is now living. *and the attending midwife is dead*
WITNESSES TO MARK *Carrie Fox*

(Must be Two Witnesses)

Subscribed and sworn to before me this *29* day of *October*, 190*5*.

Louis T. Brown

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, _____, on oath state that I attended on Mrs. _____, wife of _____, on the _____ day of _____, 189*5*; that there was born to her on said date a _____ child; that said child is now living and is said to have been named _____.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this _____ day of _____, 190*5*.

NOTARY PUBLIC.

Cher. Fr. R. 309

Cher. Fr. R. 309

Trans. From Cher. Fr. Memo
No. 2

See Cher. Fr. R. 310

Henry Davis et al 3

Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W.D. Green

Subscribed and sworn to before me this November 5th, 1901.

[Signature]

Commissioner.

25

RECEIVED
NOV 15 1901

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...Memorandum ...
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...and this action, if ...
...to the Secretary ...
...to the ...

REJECTED MEMO: File with Pearl Davis, et al Cher. R.-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of Henry Davis for the enrollment of himself as a Cherokee Freedman, and for the enrollment of himself as three children as Cherokees by blood; being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q Give me your full name? A Henry Davis.
Q How old are you? A I think about 59, I don't exactly know my age.
Q What is your post-office? A Vinita.
Q In what district do you live? A I aint acquainted with the districts here.
Q Don't you live here? A Yes sir, but I never got acquainted with the names of the districts.
Q Do you live here in town? A Yes sir.
Q What part of town do you live in? A In the east part, right across from the colored Baptist Church.
Q That's Delaware district? A Yes sir.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself, A My children, by blood.
Q You apply for yourself and some children? A Yes sir.
Q How many children? A I have 10 children, 5 girls and 5 boys.
Q Are they all under 21 years of age? A No sir.
Q You can apply for those that are under 21 and not married, how many have you got like that? A I have got three.
Q Three that are under 21 and unmarried? A Yes sir.
Q All the balance are either over 21 or married? A Yes sir.
Q Then you apply for yourself and three children? A Yes sir.
Q ~~Is~~ You apply for these children as Cherokees by blood do you?
A Yes sir.
Q How long have you lived in the Cherokee Nation? A I j ust came here the 20th of last May.
Q Where were you born? A I was born in Georgia, Lumpkin County, on the Hightower River.
Q And you never were in the Cherokee Nation until last May? A No sir.
Q Well then you have no claim as a Cherokee Freedman, you were not a slave here during the war? A No sir, I was a slave back there.
Q Yes but that's not a slave back there; you have never been put on any roll of the Cherokee nation? A I never applied until now.
Q This is the first time you have ever attempted to be recognized in any way? A Yes sir.
Q You are not on the roll then and never been recognized heretofore by any official authority? A No sir, only by my people that's here.

COMMISSIONER BRECKINRIDGE: So far as the applicant is concerned there will be no further proceedings in his case, as it is considered at this point to come within the scope of the temporary injunction of the United States Court barring this one class of Freedmen claimants, it being clearly shown by the present examination that the applicant has never been recognized in any manner as a Cherokee Freedman, is not upon any roll and was never in the Cherokee Nation in his life until last May, and he is now 59 years of age.

- Q Give me the names of your children? A Lucinda Davis.
Q How old is that child? A She don't have the blood, the balance, the other 9 have the blood; she belonged to Rans Davis, a slave under him in Georgia.
Q Tell me how old Cindy is? A She was born in '60.
Q I thought you were going to give me these three under 21 years of age, I have nothing to say to you about the others? A Pearl Davis.
Q How old is Pearl? A Going on 16.

Henry Davis et al 2

- Q Give me the name of the next child? A Robert Davis.
Going on 17; he is older than she is.
Q Next child? A Paul Davis, he is 10 years old.
Q Are these children all living now? A Yes sir.
Q Is the mother alive? A No sir.
Q She is dead? A Yes sir.
Q What was her name? A Her name was Anna Thurman, before I married her.
Q When did she die? A She died in Denver, Colorado.
Q Where were these three children born that you have just named?
A Denver, Arrapahoe County, Colorado.
Q Are these ~~children~~ your children? A Yes sir.
Q Where are these children at this time, are they here in the Cherokee Nation? A Yes sir.
Q All alive and in the Nation at this time? A The boy Robert, isn't
Q Where is Robert? A He is on his way here somewhere, I don't know exactly where he is now.
Q Has Robert ever been in the Cherokee Nation? A No sir.
Q Never here in his life? A No sir.
Q When was Paul first here? A Last May.
Q When was Pearl first here? A Last May.
Q Was their mother, Anna, ever in the Cherokee Nation? A No sir.
Q You just brought them here last May? A Yes sir.
Q Where did you say you married Anna? A I married her in Georgia.
Q How old would Anna be if she were living now? A When I married her in '63 she was 16 years old.
Q Was she born in Georgia? A Yes sir.
Q She lived there all her life until she went to Colorado? A Yes sir, in Jackson County.
Q Never was a slave in the Cherokee Nation? A No sir.
Q None of these children on any roll of the Cherokee Nation?
No sir.
Q Never applied to have them recognized in any way as Cherokees by blood until now? A No sir, not until now.
Q You never applied to have them recognized as Cherokees of any character until now? A Until now.

COMMISSIONER BRECKINRIDGE: It is evident from the examination that these children have never been recognized as Cherokee citizens, and have never been enrolled or admitted as such. Their mother, a native of Georgia, was 16 years of age at the time of her marriage in '63, she died some 9 years ago and never in her life was she in the Cherokee Nation. Their father, now 59 years of age, was never in the Cherokee Nation until last May, and he has just been placed upon a memorandum case, as a Cherokee Freedman, in accordance with an injunction of the United States Court. Two of these children came to the Cherokee Nation for the first time last May; one of them, Robert, was never in the Nation; he is not here now. It is perfectly evident, under these circumstances, that there is no ground whatever of jurisdiction in this case, and ~~therefore~~ only a memorandum will be made of the application of these three children, they being listed for rejection under their application as Cherokees by blood, and this action, if non-confirmed by the commission will be made known to the Secretary of the Interior, of which due notice will be given to the applicant, and if he approves ~~that~~ of same, his action will be final under the law.

M.D. Green, being first duly sworn, states that as stand ~~up~~ to the

Henry Davis et al 5

Commission to the Five Civilized Tribes has correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of stenographic notes thereof.

W.D. Green

Subscribed and sworn to before me this November 5th, 1901.

W.D. Green

Commissioner.

RECORDED
NOV 10 1901

WALTER
PAFFEN
CO

adm

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Pearl Davis as a Cherokee Freedman, consolidating the cases of -----

Pearl Davis et al.,
Henry Davis

Cherokee Freedmen R-309,
Cherokee Freedmen R-310,

D E C I S I O N.

The record herein shows that Henry Davis appeared before the Commission at Vinita, Indian Territory, October 31, 1901, and made application for the enrollment of himself and his minor children, Robert, Pearl and Paul Davis as Cherokee Freedmen.

The evidence herein shows that Henry Davis is fifty-nine years old, and that the minor applicants are the children of the said Henry Davis and one Anna Davis, and possess no rights to enrollment other than as descendants of the said Henry and Anna Davis.

The evidence further shows that the said Anna Davis was never a resident of the Indian Territory, and it does not appear that she or the applicants herein were ever admitted to citizenship in the Cherokee Nation.

It further appears that the applicants never resided in the Indian Territory prior to May, 1901. Neither the said Anna Davis nor the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Pearl Davis, Robert Davis, Paul Davis and Henry Davis as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tame Dixby.
Chairman.

(SIGNED) T. D. Needles.
Commissioner.

(SIGNED) C. R. Crockett.
Commissioner.

Muskogee, Indian Territory,
this AUG 28 1904

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

Memo. 370.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Mr. Henry Davis,

Vinita, Indian Territory.

Dear Sir:

On the 31st day of October, 1901, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of your three minor children, Pearl Davis, Robert Davis, and Paul Davis, as citizens by blood of the Cherokee Nation.

It appears from the evidence offered in support of said application that the applicants above named have never been enrolled by the tribal authorities of the Cherokee Nation, and that their names do not appear upon the tribal rolls of the Cherokee Nation now in possession of this Commission; that they have not been admitted to citizenship in the Cherokee Nation by the Commission to the Five Civilized Tribes, or by the legally constituted authorities of the Cherokee Nation, or by the United States Court in Indian Territory on appeal, in accordance with the provisions of the Act of June 10, 1896 (29 Stats. 321). The Act of Congress of May 31, 1900 (31 Stats. 321), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by

Mr. H. D. — #2.

the Secretary of the Interior."

The Commission has, therefore, on this date decided that your three minor children above named are not citizens of the Cherokee Nation, and duly and lawfully enrolled or admitted as such, and that, pursuant to the provision of law above quoted, the Commission is without authority to receive, consider, or make any record of the application for the enrollment of said children as citizens of said Nation.

A copy of the record of the proceedings in this case is herewith enclosed. You are also informed that the Commission has on this date forwarded a memorandum of its action to the Secretary of the Interior, with a copy of the proceedings, for his consideration and final decision. The Secretary's final action will be duly communicated to you when the same is made known to this Commission.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

By _____

COPY

Cherokee Freedmen
B-500-10

Waukegon, Indian Territory, August 25, 1904.

Henry Davis,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your three minor children, Pearl, Robert and Paul Davis, as Cherokee freedmen, together with a copy of the Commission's decision dated August 25, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. Y-25

Register,

SIGNED

JAMES BIRBY,
Chairman.

COPY.

Cherokee freedmen
R 309-10

Muskogee, Indian Territory, August 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Henry Davis, et al., together with the Commission's decision dated August 26, 1904, rejecting the applications of Henry, Pearl, Robert and Paul Davis for enrollment as Cherokee freedmen.

Respectfully,

(SIGNED) *James Bixby.*
Chairman.

Encl. V-27

Through the
Commissioner of Indian Affairs.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
E 300-10

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Mankegee, Indian Territory, August 26, 1904.

Hastings, Bell & Davenport,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Henry Davis, et al., rejecting the applications for the enrollment of Henry, Pearl, Robert and Paul Davis as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-26

Chairman.

(C O P Y)

Refer in reply
to the following:
Land
59068-1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, September 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 26, 1904; transmitting the record of the application for enrollment as Cherokee freedmen by Henry Davis for himself and his three minor children, Robert, Pearl and Paul Davis.

August 25, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant is fifty-nine years of age and that the minor applicants are the children of said Henry Davis and one Anna Davis and possess no rights to enrollment other than as descendants of Henry and Anna Davis.

It is further shown that the principal applicant and his wife were born in the State of Georgia, were married there and removed to the State of Colorado, where the other applicants were born; that in May 1901, the applicants removed to the Cherokee Nation; that none of the applicants has ever been in the Cherokee Nation; and that none of their names is found on any roll pertaining to the Cherokee Nation.

-2-

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W.A. Jones
Commissioner

M. M. N.
V.

D.C. 37732-1904
I.T.D 7512-1904

(C O P Y)

W.C.F.
FHE
J.P.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON,

September 13, 1904.

Commission to the five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 26, 1904, you transmitted the record in the consolidated Cherokee freedman case of Henry Davis, et al (F.D.-309-10), including your decision of August 25, 1904, rejecting the applicants, Henry, Pearl, Robert and Paul Davis.

Reporting in the matter September 13, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully

(Signed)

Thos Ryan
Acting Secretary

1 inclosure.

(C O P Y)

V. C. F.

FHS

DEPARTMENT OF THE INTERIOR,

D. C. 37732-1904

WASHINGTON. October 1, 1904.

I. T. D. 7512-1904.

Y.F.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 26, 1904, you transmitted the record in the consolidated Cherokee freedman case of Henry Davis, et al (F. D. 309-10), including your decision of August 25, 1904, rejecting the applicants, Henry, Pearl, Robert and Paul Davis.

Reporting in the matter September 13, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure.

COMMISSIONERS:
TAMM HENRY,
THOMAS H. HENNING,
C. E. HENNING,
WM. O. HALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

| |
|-----------------------------------|
| REPORT IN REPLY TO THE FOLLOWING: |
| Cherokee Freedmen |
| R-509-510 |

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory,

Gentlemen:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the application for the enrollment of Henry Davis and his three children, Pearl, Robert and Paul Davis, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,



Chairman.

COPY

Cherokee Freedmen
R--309--310.

Muskogee, Indian Territory, October 25, 1904.

Henry Davis,

Vinita, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the application for the enrollment of yourself and your minor children, Pearl, Robert and Paul Davis, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

Wm. H. P. Dixby
Chairman.

2702
Memo

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DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
 OCT 31 1901

[Signature]
 ACTING CHAIRMAN

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139th | 140th | 141st | 142nd | 143rd | 144th | 145th | 146th | 147th | 148th | 149th | 150th | 151st | 152nd | 153rd | 154th | 155th | 156th | 157th | 158th | 159th | 160th | 161st | 162nd | 163rd | 164th | 165th | 166th | 167th | 168th | 169th | 170th | 171st | 172nd | 173rd | 174th | 175th | 176th | 177th | 178th | 179th | 180th | 181st | 182nd | 183rd | 184th | 185th | 186th | 187th | 188th | 189th | 190th | 191st | 192nd | 193rd | 194th | 195th | 196th | 197th | 198th | 199th | 200th | 201st | 202nd | 203rd | 204th | 205th | 206th | 207th | 208th | 209th | 210th | 211st | 212nd | 213rd | 214th | 215th | 216th | 217th | 218th | 219th | 220th | 221st | 222nd | 223rd | 224th | 225th | 226th | 227th | 228th | 229th | 230th | 231st | 232nd | 233rd | 234th | 235th | 236th | 237th | 238th | 239th | 240th | 241st | 242nd | 243rd | 244th | 245th | 246th | 247th | 248th | 249th | 250th | 251st | 252nd | 253rd | 254th | 255th | 256th | 257th | 258th | 259th | 260th | 261st | 262nd | 263rd | 264th | 265th | 266th | 267th | 268th | 269th | 270th | 271st | 272nd | 273rd | 274th | 275th | 276th | 277th | 278th | 279th | 280th | 281st | 282nd | 283rd | 284th | 285th | 286th | 287th | 288th | 289th | 290th | 291st | 292nd | 293rd | 294th | 295th | 296th | 297th | 298th | 299th | 300th | 301st | 302nd | 303rd | 304th | 305th | 306th | 307th | 308th | 309th | 310th | 311st | 312nd | 313rd | 314th | 315th | 316th | 317th | 318th | 319th | 320th | 321st | 322nd | 323rd | 324th | 325th | 326th | 327th | 328th | 329th | 330th | 331st | 332nd | 333rd | 334th | 335th | 336th | 337th | 338th | 339th | 340th | 341st | 342nd | 343rd | 344th | 345th | 346th | 347th | 348th | 349th | 350th | 351st | 352nd | 353rd | 354th | 355th | 356th | 357th | 358th | 359th | 360th | 361st | 362nd | 363rd | 364th | 365th | 366th | 367th | 368th | 369th | 370th | 371st | 372nd | 373rd | 374th | 375th | 376th | 377th | 378th | 379th | 380th | 381st | 382nd | 383rd | 384th | 385th | 386th | 387th | 388th | 389th | 390th | 391st | 392nd | 393rd | 394th | 395th | 396th | 397th | 398th | 399th | 400th | 401st | 402nd | 403rd | 404th | 405th | 406th | 407th | 408th | 409th | 410th | 411st | 412nd | 413rd | 414th | 415th | 416th | 417th | 418th | 419th | 420th | 421st | 422nd | 423rd | 424th | 425th | 426th | 427th | 428th | 429th | 430th | 431st | 432nd | 433rd | 434th | 435th | 436th | 437th | 438th | 439th | 440th | 441st | 442nd | 443rd | 444th | 445th | 446th | 447th | 448th | 449th | 450th | 451st | 452nd | 453rd | 454th | 455th | 456th | 457th | 458th | 459th | 460th | 461st | 462nd | 463rd | 464th | 465th | 466th | 467th | 468th | 469th | 470th | 471st | 472nd | 473rd | 474th | 475th | 476th | 477th | 478th | 479th | 480th | 481st | 482nd | 483rd | 484th | 485th | 486th | 487th | 488th | 489th | 490th | 491st | 492nd | 493rd | 494th | 495th | 496th | 497th | 498th | 499th | 500th | 501st | 502nd | 503rd | 504th | 505th | 506th | 507th | 508th | 509th | 510th | 511st | 512nd | 513rd | 514th | 515th | 516th | 517th | 518th | 519th | 520th | 521st | 522nd | 523rd | 524th | 525th | 526th | 527th | 528th | 529th | 530th | 531st | 532nd | 533rd | 534th | 535th | 536th | 537th | 538th | 539th | 540th | 541st | 542nd | 543rd | 544th | 545th | 546th | 547th | 548th | 549th | 550th | 551st | 552nd | 553rd | 554th | 555th | 556th | 557th | 558th | 559th | 560th | 561st | 562nd | 563rd | 564th | 565th | 566th | 567th | 568th | 569th | 570th | 571st | 572nd | 573rd | 574th | 575th | 576th | 577th | 578th | 579th | 580th | 581st | 582nd | 583rd | 584th | 585th | 586th | 587th | 588th | 589th | 590th | 591st | 592nd | 593rd | 594th | 595th | 596th | 597th | 598th | 599th | 600th | 601st | 602nd | 603rd | 604th | 605th | 606th | 607th | 608th | 609th | 610th | 611st | 612nd | 613rd | 614th | 615th | 616th | 617th | 618th | 619th | 620th | 621st | 622nd | 623rd | 624th | 625th | 626th | 627th | 628th | 629th | 630th | 631st | 632nd | 633rd | 634th | 635th | 636th | 637th | 638th | 639th | 640th | 641st | 642nd | 643rd | 644th | 645th | 646th | 647th | 648th | 649th | 650th | 651st | 652nd | 653rd | 654th | 655th | 656th | 657th | 658th | 659th | 660th | 661st | 662nd | 663rd | 664th | 665th | 666th | 667th | 668th | 669th | 670th | 671st | 672nd | 673rd | 674th | 675th | 676th | 677th | 678th | 679th | 680th | 681st | 682nd | 683rd | 684th | 685th | 686th | 687th | 688th | 689th | 690th | 691st | 692nd | 693rd | 694th | 695th | 696th | 697th | 698th | 699th | 700th | 701st | 702nd | 703rd | 704th | 705th | 706th | 707th | 708th | 709th | 710th | 711st | 712nd | 713rd | 714th | 715th | 716th | 717th | 718th | 719th | 720th | 721st | 722nd | 723rd | 724th | 725th | 726th | 727th | 728th | 729th | 730th | 731st | 732nd | 733rd | 734th | 735th | 736th | 737th | 738th | 739th | 740th | 741st | 742nd | 743rd | 744th | 745th | 746th | 747th | 748th | 749th | 750th | 751st | 752nd | 753rd | 754th | 755th | 756th | 757th | 758th | 759th | 760th | 761st | 762nd | 763rd | 764th | 765th | 766th | 767th | 768th | 769th | 770th | 771st | 772nd | 773rd | 774th | 775th | 776th | 777th | 778th | 779th | 780th | 781st | 782nd | 783rd | 784th | 785th | 786th | 787th | 788th | 789th | 790th | 791st | 792nd | 793rd | 794th | 795th | 796th | 797th | 798th | 799th | 800th | 801st | 802nd | 803rd | 804th | 805th | 806th | 807th | 808th | 809th | 810th | 811st | 812nd | 813rd | 814th | 815th | 816th | 817th | 818th | 819th | 820th | 821st | 822nd | 823rd | 824th | 825th | 826th | 827th | 828th | 829th | 830th | 831st | 832nd | 833rd | 834th | 835th | 836th | 837th | 838th | 839th | 840th | 841st | 842nd | 843rd | 844th | 845th | 846th | 847th | 848th | 849th | 850th | 851st | 852nd | 853rd | 854th | 855th | 856th | 857th | 858th | 859th | 860th | 861st | 862nd | 863rd | 864th | 865th | 866th | 867th | 868th | 869th | 870th | 871st | 872nd | 873rd | 874th | 875th | 876th | 877th | 878th | 879th | 880th | 881st | 882nd | 883rd | 884th | 885th | 886th | 887th | 888th | 889th | 890th | 891st | 892nd | 893rd | 894th | 895th | 896th | 897th | 898th | 899th | 900th | 901st | 902nd | 903rd | 904th | 905th | 906th | 907th | 908th | 909th | 910th | 911st | 912nd | 913rd | 914th | 915th | 916th | 917th | 918th | 919th | 920th | 921st | 922nd | 923rd | 924th | 925th | 926th | 927th | 928th | 929th | 930th | 931st | 932nd | 933rd | 934th | 935th | 936th | 937th | 938th | 939th | 940th | 941st | 942nd | 943rd | 944th | 945th | 946th | 947th | 948th | 949th | 950th | 951st | 952nd | 953rd | 954th | 955th | 956th | 957th | 958th | 959th | 960th | 961st | 962nd | 963rd | 964th | 965th | 966th | 967th | 968th | 969th | 970th | 971st | 972nd | 973rd | 974th | 975th | 976th | 977th | 978th | 979th | 980th | 981st | 982nd | 983rd | 984th | 985th | 986th | 987th | 988th | 989th | 990th | 991st | 992nd | 993rd | 994th | 995th | 996th | 997th | 998th | 999th | 1000th | 1001st | 1002nd | 1003rd | 1004th | 1005th | 1006th | 1007th | 1008th | 1009th | 1010th | 1011st | 1012nd | 1013rd | 1014th | 1015th | 1016th | 1017th | 1018th | 1019th | 1020th | 1021st | 1022nd | 1023rd | 1024th | 1025th | 1026th | 1027th | 1028th | 1029th | 1030th | 1031st | 1032nd | 1033rd | 1034th | 1035th | 1036th | 1037th | 1038th | 1039th | 1040th | 1041st | 1042nd | 1043rd | 1044th | 1045th | 1046th | 1047th | 1048th | 1049th | 1050th | 1051st | 1052nd | 1053rd | 1054th | 1055th | 1056th | 1057th | 1058th | 1059th | 1060th | 1061st | 1062nd | 1063rd | 1064th | 1065th | 1066th | 1067th | 1068th | 1069th | 1070th | 1071st | 1072nd | 1073rd | 1074th | 1075th | 1076th | 1077th | 1078th | 1079th | 1080th | 1081st | 1082nd | 1083rd | 1084th | 1085th | 1086th | 1087th | 1088th | 1089th | 1090th | 1091st | 1092nd | 1093rd | 1094th | 1095th | 1096th | 1097th | 1098th | 1099th | 1100th | 1101st | 1102nd | 1103rd | 1104th | 1105th | 1106th | 1107th | 1108th | 1109th | 1110th | 1111st | 1112nd | 1113rd | 1114th | 1115th | 1116th | 1117th | 1118th | 1119th | 1120th | 1121st | 1122nd | 1123rd | 1124th | 1125th | 1126th | 1127th | 1128th | 1129th | 1130th | 1131st | 1132nd | 1133rd | 1134th | 1135th | 1136th | 1137th | 1138th | 1139th | 1140th | 1141st | 1142nd | 1143rd | 1144th | 1145th | 1146th | 1147th | 1148th | 1149th | 1150th | 1151st | 1152nd | 1153rd | 1154th | 1155th | 1156th | 1157th | 1158th | 1159th | 1160th | 1161st | 1162nd | 1163rd | 1164th | 1165th | 1166th | 1167th | 1168th | 1169th | 1170th | 1171st | 1172nd | 1173rd | 1174th | 1175th | 1176th | 1177th | 1178th | 1179th | 1180th | 1181st | 1182nd | 1183rd | 1184th | 1185th | 1186th | 1187th | 1188th | 1189th | 1190th | 1191st | 1192nd | 1193rd | 1194th | 1195th | 1196th | 1197th | 1198th | 1199th | 1200th | 1201st | 1202nd | 1203rd | 1204th | 1205th | 1206th | 1207th | 1208th | 1209th | 1210th | 1211st | 1212nd | 1213rd | 1214th | 1215th | 1216th | 1217th | 1218th | 1219th | 1220th | 1221st | 1222nd | 1223rd | 1224th | 1225th | 1226th | 1227th | 1228th | 1229th | 1230th | 1231st | 1232nd | 1233rd | 1234th | 1235th | 1236th | 1237th | 1238th | 1239th | 1240th | 1241st | 1242nd | 1243rd | 1244th | 1245th | 1246th | 1247th | 1248th | 1249th | 1250th | 1251st | 1252nd | 1253rd | 1254th | 1255th | 1256th | 1257th | 1258th | 1259th | 1260th | 1261st | 1262nd | 1263rd | 1264th | 1265th | 1266th | 1267th | 1268th | 1269th | 1270th | 1271st | 1272nd | 1273rd | 1274th | 1275th | 1276th | 1277th | 1278th | 1279th | 1280th | 1281st | 1282nd | 1283rd | 1284th | 1285th | 1286th | 1287th | 1288th | 1289th | 1290th | 1291st | 1292nd | 1293rd | 1294th | 1295th | 1296th | 1297th | 1298th | 1299th | 1300th | 1301st | 1302nd | 1303rd | 1304th | 1305th | 1306th | 1307th | 1308th | 1309th | 1310th | 1311st | 1312nd | 1313rd | 1314th | 1315th | 1316th | 1317th | 1318th | 1319th | 1320th | 1321st | 1322nd | 1323rd | 1324th | 1325th | 1326th | 1327th | 1328th | 1329th | 1330th | 1331st | 1332nd | 1333rd | 1334th | 1335th | 1336th | 1337th | 1338th | 1339th | 1340th | 1341st | 1342nd | 1343rd | 1344th | 1345th | 1346th | 1347th | 1348th | 1349th |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|---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Statement of Applicant Taken Under Oath.

Delaware District.

CHEROKEES BY BLOOD AND ADOPTION.

Date

Oct. 31

1904

Name

Ninta, A. J.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Pearl Davis

Dist.

Year

Page

No.

Age 16

Robert Davis

Dist.

Year

Page

No.

Age 17

Paul Davis

Dist.

Year

Page

No.

Age 10

Dist.

Year

Page

No.

Age

Dist.

Year

Page

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Year

Page

No.

Age

Application by father, Henry Davis

Stenographer M. S. Green

Cher. Fr. R. 310

Trans From Cher. Fr. Memo
No. 3

See Cher. Fr R 309

Cher. Fr. R. 310

RECEIVED; MEMO: File with Henry Davis, C.F.R.-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of Henry Davis for the enrollment of himself as a Cherokee Freedman, and for the enrollment of three children as Cherokees by blood; being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q Give me your full name? A Henry Davis.
Q How old are you? A I think about 59, I don't exactly know my age.
Q What is your post-office? A Vinita.
Q In what district do you live? A I aint acquainted with the districts here.
Q Don't you live here? A Yes sir, but I never got acquainted with the names of the districts.
Q Do you live here in town? A Yes sir.
Q What part of town do you live in? A In the east part, right across from the colored Baptist Church.
Q That's Delaware district? A Yes sir.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A My children, by blood.
Q You apply for your ~~self~~ self and some children? A Yes sir.
Q How many children? A I have 10 children, 5 girls and 5 boys.
Q Are they all under 21 years of age? A No sir.
Q You can apply for those that are under 21 and not married, how many have you got like that? A I have got three.
Q Three that are under 21 and unmarried? A Yes sir.
Q All the balance are either over 21 or married? A Yes sir.
Q Then you apply for yourself and three children? A Yes sir.
Q You apply for these children as Cherokees by blood do you?
A Yes sir.
Q How long have you lived in the Cherokee Nation? A I just came here the 20th of last May.
Q Where were you born? A I was born in Georgia, Lumpkin County, on the Rightower River.
Q And you never were in the Cherokee Nation until last May? A No sir.
Q Well then you have no claim as a Cherokee Freedman, you were not a slave here during the war? A No sir, I was a slave back there.
Q Yes but that's not a slave back there; you have never been put on any roll of the Cherokee nation? A I never applied until now.
Q This is the first time you have ever attempted to be recognized in anyway? A Yes sir.
Q You are not on the roll then and never been recognized in before by any official authority? A No sir, only by my people that's here.

COMMISSIONER BRECKINRIDGE: So far as the applicant is concerned there will be no further proceedings in his case, as it is considered at this point to come within the scope of the temporary injunction of the United States Court barring the one class of Freedmen claimants, it being clearly shown that by the present examination that the applicant has never been recognized in any manner as a Cherokee Freedman, is not upon any roll and was never in the Cherokee Nation in his life until last May, and he is now 59 years of age.

- Q Give me the names of your children? A Lucinda Davis.
Q How old is that child? A She don't have the blood, the balance, the other 9 has the blood; she belonged to Sam Davis, a slave under him in Georgia.
Q Tell me how old Cindy is? A She was born in '80.
Q I thought you were going to give me those three under 21 years of age, I have nothing to say to you about the others? A Pearl Davis
Q How old is Pearl? A Going on 14.

Henry Davis et al 2

- Q Give me the name of the next child? A Robert Davis.
Going on 17; he is older than she is.
Q Next child? A Paul Davis, he is 10 years old.
Q Are these children all living now? A Yes sir.
Q Is the mother alive? A No sir.
Q She is dead? A Yes sir.
Q What was her name? A Her name was Anna Thurman, before I married her.
Q When did she die? A She died in Denver, Colorado.
Q Where were these three children born that you have just named?
A Denver, Arapahoe County, Colorado.
Q Are these your children? A Yes sir.
Q Where are these children at this time, are they here in the Cherokee Nation? A Yes sir.
Q All alive and in the Nation at this time? A ~~Xaxax~~The boy Robert, isn't.
Q Where is Robert? A He is on his way here somewhere, I don't know exactly where he is now.
Q Has Robert ever been in the Cherokee Nation? A No sir.
Q Never here in his life? A No sir.
Q When was Pearl first here? A Last May.
Q When was Paul first here? A Last May.
Q Was their mother, Anna, ever in the Cherokee Nation? A No sir.
Q You just brought them here last May? A Yes sir.
Q Where did you say you married Anna? A I married her in Georgia.
Q How old would Anna be if she were living now? A When I married her in '63 she was 16 years old.
Q Was she born in Georgia? A Yes sir.
Q She lived there all her life until she went to Colorado? A Yes sir, in Jackson County.
Q Never was a slave in the Cherokee Nation? A No sir.
Q None of these children on any roll of the Cherokee Nation?
A No sir.
Q Never applied to have them recognized in any way as Cherokee by blood until now? A No sir, not until now.
Q You never applied to have them recognized as Cherokee of any character until now? A Until now.

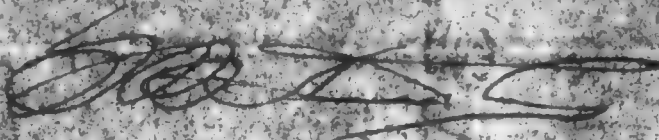
COMMISSIONER BRACKINRIDGE: It is evident from the examination that these children have never been recognized as Cherokee citizens, and have never been enrolled or admitted as such. Their mother, a native of Georgia, was 16 years of age at the time of her marriage in '63; she died some 9 years ago and never in her life was she in the Cherokee Nation. Their father, now 59 years of age, was never in the Cherokee Nation until last May, and he has just been placed upon a memorandum case, as a Cherokee Freedman, in accordance with an injunction of the United States Court. Two of these children came to the Cherokee Nation for the first time last May; one of them, Robert, was never in the Nation; he is not here now. It is perfectly evident, under these circumstances, that there is no ground whatever of jurisdiction in this case, and only a memorandum will be made of the application of these three children, they being listed for rejection under their application as Cherokee by blood, and this action, if confirmed by the Commission will be made known to the Secretary of the Interior, of which notice will be given to the applicant, and if he approves of same, his action will be final under the law.

M.D. Green, being first duly sworn, states that as stenographer to the

Henry Davis et al.

Commissioner to the Five Civilized Tribes He correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 5th, 1901.



Commissioner

NOV 12 1901

98m

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Pearl
Davis as a Cherokee Freedman, consolidating the cases of -----

Pearl Davis et al.,
Henry Davis

Cherokee Freedmen R-309,
Cherokee Freedmen R-310,

D E C I S I O N.

The record herein shows that Henry Davis appeared before the Commission at Vinita, Indian Territory, October 31, 1901, and made application for the enrollment of himself and his minor children, Robert, Pearl and Paul Davis as Cherokee Freedmen.

The evidence herein shows that Henry Davis is fifty-nine years old, and that the minor applicants are the children of the said Henry Davis and one Anna Davis, and possess no rights to enrollment other than as descendants of the said Henry and Anna Davis.


The evidence further shows that the said Anna Davis was never a resident of the Indian Territory, and it does not appear that she or the applicants herein were ever admitted to citizenship in the Cherokee Nation.

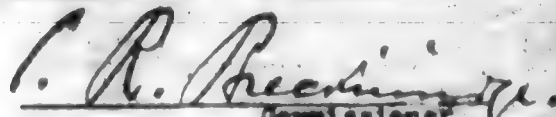
It further appears that the applicants never resided in the Indian Territory prior to May, 1901. Neither the said Anna Davis nor the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Pearl Davis, Robert Davis, Paul Davis and Henry Davis as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this AUG 25 1904

COPY.

Cherokee freedmen
B-309-10

Muskogee, Indian Territory, August 25, 1904.

Henry Davis,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your three minor children, Pearl, Robert and Paul Davis, as Cherokee freedmen, together with a copy of the Commission's decision dated August 25, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. V-25

Register.

ORIGINAL

Tams Birby
Chairman

COPY.

Cherokee freedmen
300-10

Muskogee, Indian Territory, August 28, 1904.

The Honorable,

The Secretary of the Interior.

sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Henry Davis, et al., together with the Commission's decision dated August 28, 1904, rejecting the applications of Henry, Pearl, Behari and Paul Davis for enrollment as Cherokee freedmen.

Respectfully,

(Signed).

JAMES BIXBY.
Chairman.

Encl. V-37

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
E 309-10

Muskogee, Indian Territory, August 26, 1904.

Hastings, Bell & Davenport,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Henry Davis, et al., rejecting the applications for the enrollment of Henry, Pearl, Robert and Paul Davis as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-26

Wm. Tams Dixby.
Chairman.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 13, 1904.

Land.

59068-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 26, 1904, transmitting the record of the application for enrollment as Cherokee freedmen by Henry Davis for himself and his three minor children, Robert, Pearl and Paul Davis.

August 26, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant is fifty nine years of age and that the minor applicants are the children of said Henry Davis and one Anna Davis and possess no rights to enrollment other than as descendants of Henry and Anna Davis.

It is further shown that the principal applicant and his wife were born in the State of Georgia, were married there and removed to the State of Colorado, where the other applicants were born; that in May 1901, the applicants removed to the Cherokee Nation; that none of the applicants has ever been in the Cherokee Nation, and that none of their names is found on any roll pertaining to the Cherokee Nation.

-2-

In view of the record the approval of the Commission's
decision adverse to the applicants is recommended.

Very respectfully,

W. A. Jones.

Commissioner.

M.M.M.V.

D.C. 37752-1904
I.T.D 7512-1904

(C O P Y)

W.C.F
FHN
J.P.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON,

September 13, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 26, 1904, you transmitted the record in the consolidated Cherokee freedman case of Henry Davis, et al (F.D.-309-10), including your decision of August 25, 1904, rejecting the applicants, Henry, Pearl, Robert and Paul Davis.

Reporting in the matter September 13, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully

(Signed)

Thos Ryan
Acting Secretary

1 inclosure.

(C O P Y)

Refer in reply
to the following:
Land
S9068-1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, September 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 26, 1904, transmitting the record of the application for enrollment as Cherokee freedmen by Henry Davis for himself and his three minor children, Robert, Pearl and Paul Davis.

August 26, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant is fifty-nine years of age and that the minor applicants are the children of said Henry Davis and one Anna Davis and possess no rights to enrollment other than as descendants of Henry and Anna Davis.

It is further shown that the principal applicant and his wife were born in the State of Georgia, were married there and removed to the State of Colorado, where the other applicants were born; that in May 1901, the applicants removed to the Cherokee Nation; that none of the applicants has ever been in the Cherokee Nation; and that none of their names is found on any roll pertaining to the Cherokee nation.

-2-

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W.A. Jones
Commissioner

M. M.M.
W.

(C O P Y)

W. C. F.

THE

DEPARTMENT OF THE INTERIOR,

D. C. 37732-1904

WASHINGTON. October 1, 1904.

I. T. D. 7512-1904.

Y.P.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

August 26, 1904, you transmitted the record in the consolidated Cherokee freedman case of Henry Davis, et al (P. D-309-10), including your decision of August 25, 1904, rejecting the applicants, Henry, Pearl, Robert and Paul Davis.

Reporting in the matter September 13, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

I inclosure.

Acting Secretary.

1
COPY.

Cherokee Freedmen
R--309--310.

Muskogee, Indian Territory, October 25, 1904.

Henry Davis,

Vinita, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the application for the enrollment of yourself and your minor children, Pearl, Robert and Paul Davis, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

Tamie Davis
Chairman.

COPY.

Cherokee Freedmen
R--309--310

Muskogee, Indian Territory, October 26, 1904.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory,

Gentlemen:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the application for the enrollment of Henry Davis and his three children, Pearl, Robert and Paul Davis, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

(SIGNED) *Tame Dixie*
Chairman.

Q
Memo 371
JMA - 3

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 31 1901

[Signature]
ACTING CHAIRMAN

MEMORANDUM FOR THE CHAIRMAN
SUBJECT: FREEDMEN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Oct. 31, 1901
 Post Office Winita, O. T.
 District Delaware

1. Name Harry Davis Age 59
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

2. Name of wife _____ Age _____
 Owners name _____ Citizenship _____
 Year _____ Page _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

Names of Children:

3. _____ Year _____ Page _____ No. _____ Dist. _____
 4. _____ Year _____ Page _____ No. _____ Dist. _____
 5. _____ Year _____ Page _____ No. _____ Dist. _____
 6. _____ Year _____ Page _____ No. _____ Dist. _____
 7. _____ Year _____ Page _____ No. _____ Dist. _____
 8. _____ Year _____ Page _____ No. _____ Dist. _____
 9. _____ Year _____ Page _____ No. _____ Dist. _____
 10. _____ Year _____ Page _____ No. _____ Dist. _____
 11. _____ Year _____ Page _____ No. _____ Dist. _____
 12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by W. I.

Stenographer J. Green

Not on any Roll, deemed by the Commissioner
to come under the injunction

Cher. Fr. R. 311

See Cher. Fr. 50

Cher. Fr. R. 311

67-11-311

John Supter 2

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this November 14, 1901.

Notary Public

Notary Public.

NOV 25 1901
F. I. E. D.
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

[Signature]
Notary Public

[Handwritten notes]
233-4
p. 34

Cherokee Freedmen. REJECTED. MEMO.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 12, 1901.

In the matter of the application of John Sumpter for the enrollment of himself as a Cherokee Freedman by intermarriage. Being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A John Sumpter.

Q What is your age? A I guess about 51.

Q Post-office? A Tahlequah.

Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.

Q Does your name appear upon any of the rolls of the Cherokee Nation? A It ought to be on two, but I don't know just whether it is or not. It ought to be on the '81 roll; I never was taken but twice.

Q Did you ever draw money from the Cherokee Nation? A No sir.

Q Your name is not on any pay rolls of the Cherokee Nation? A No sir, if it is I don't know.

Commissioner Needles:

Rolls of the Cherokee Nation examined and applicant's name not found thereon.

Q You claim citizenship by intermarriage? A Yes sir.

Q What is your wife's name? A Mary Sumpter.

Commissioner Needles: Upon examination of the records of this Commission it is found that Mary Sumpter has been listed for enrollment as a Cherokee Freedman of the Cherokee Nation upon straight card No. 50, her name appearing upon the authenticated roll of 1890; said enrollment having been made on April 3, 1901.

Applicant presents duly authenticated marriage license issued by the authorities of the Cherokee Nation authorizing the marriage between John Sumpter, a citizen of the United States, and Miss Mary Meadows, a citizen of the Cherokee Nation, issued under the seal of the Cherokee Nation on the 14th day of October 1889; certificate attached thereto certifying that said John Sumpter and Mary Meadows were duly married according to the authority granted in the aforesaid license on the 14th day of October, 1889; said marriage license and certificate having been recorded as provided by the laws of the Cherokee Nation.

Q You are a citizen of the United States yourself? A Yes sir,.

Commissioner Needles: By reason of the fact that the name of John Sumpter does not appear upon any of the rolls of the Cherokee Nation, and for the further reason that the Judge of the United States Court for the Northern District of the Indian Territory has enjoined this Commission, temporarily restraining them from receiving any applications for enrollment who have not heretofore been enrolled by the Cherokee Nation upon any of their authenticated rolls; the Judge of said Court in his opinion stating that applications similar to the one now being applied for come under the provisions of the act of Congress of May 31, 1900, consequently the Commission at this time is without jurisdiction to receive, consider or make any record of the application of said applicant. The testimony and decision in this case will be forwarded to the Secretary of the Interior for his approval, and upon same being received by the Commission the applicant will be notified by due course of mail at his post-office address of the action of the Secretary of the Interior in the premises.

John Sumpter

M. D. Grede, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Grede

Subscribed and sworn to before me this November 14, 1901.

J. C. Starr
Notary Public.

RECEIVED
NOV 15 1901
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

COPY.

Cherokee Freedmen

R-311.

Muskogee, Indian Territory, January 24, 1905.

John Sumpter,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-107.

Register.

SIGNED:

Tame Dixby
Chairman.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Mathews, Frances Walton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Elder, Marben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Hadden, Jane Pass, Albert F. Thomas, Mary Campbell, Caroline Janice, Malvina Alberty, Jane Harris, Alexander Shaggett, Amanda Martin, Eliza Martin, John R. Burton, Nell Datto, Samuel Brown, Howard J. Vaseen, Jack McConnell, Rands Hanley, George Reed, Sr., Buck Logan, Nell Thompson, Lewis Scott, Abe Scott, Kendal Hampton, Thomas E. Allen, Lewis Vanderford, John I. Sevlis, Katie Lewis, Charles Williams, John J. Rose, Jane Martin, Emma Peterson, Abner Johnson, Martha Vann, John Smith, Henry Pass, Charles C. Smith, Sasse Colbert, William Shaggs, Spale Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Lerney, Lucy

Cheuteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Book, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dean, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Boyles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Holly Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Equire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Felle Vann, Levi Strand, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Helton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be able to tell you as much as the Commission is
capable of telling you.

Respectfully,

Sincerely,
Fame Dixby
Chairman.

Enc. X-2,

COPY.

Charles Freeman
3-11 et al.

Hastings, Indian Territory, February 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Harrison, Frances Helton, John Deaton, Mary Jane Vann, Thomas Love, Ella Hayfield, Sallie Rider, Nathan Campbell, Van Jackson Luther, Cora Hilditch, Mary Harlin, Sallie Fields, John Kline, William S. Mallon, Jane Bess, Albert F. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, John Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John T. Barnes, Bell Davis, Samuel Brown, Edward E. Watson, Jack McConnell, Maria Harlow, George Reed, Wm. Reed, Leffler, Will Thompson, Louis Scott, Abe Scott, Kinder Langston, Thomas E. Allen, Lewis Fancherford, John L. Hewitt, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Eliza Johnson, Mary Vann, John Scott, Henry Rose, Charles C. Smith, Sallie Galt, William Skaggs, Susie Johnson, Alfred P. Pugh, Elsie Vann, Freddie Lacey, Lucy Chertock, Alice Juvant, Wesley Wray, Fred J. Thomas, Rottie Beck, Ella Warren, Willie Robinson, Mary Miller,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Pcell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel I. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie Vest, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leenay, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) *Tame Dixby.*
Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

Refer in reply
to the following:
Lmd.
7903-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Hartman, Frances Helton, John Nelson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Nellie Rider, Nathan Campbell, Van Jackson Luther, Cassie Widdleton, Mary Harlin, Nellie Fields, John Kinke, William S. Maiden, James Dean, Albert F. Thomas, Mary Campbell, Caroline Daniels, Melvin Alder, Dave Harris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Nell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Maudie Manley, George Reed, Jr., Mack Ledman, Nell Thomas, Lewis Scott, Mae Scott, Kender Layton, Thomas E. Allen, Louis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rowe, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, David Walbert, William Huggs, Della Johnson, Alfred F. Hopkins, Kinzie Vann, Freddie Leoney, Lary Shanton,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Hykes, Larkin P. Pevall, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Duckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Hays, Neoma Hays, Ella Ross, Elizabeth Duncan, Sadie Mims, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Duckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Hairs, George Mims, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Mair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Mair, Carrie Martin, Benjamin Clark, Emily Leoney, John Greven, Matilda McWair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McLain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been

enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

W.M.H.
W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

WOT
PHE.

I.T.D. 2904-1908
D.C. 20877-1908.
LRS

April 17, 1908.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1908, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1908, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Elder, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William S. Madden, Jane Beam, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John N. Burgess, Bell Davis, Samuel Brown, Howard F. Watson, Jack McGonagall, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas M. Allen, Lewis Vanderford, John L. Nowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Leoney, Lucy Chontean, Alice Durant, Mahaley War d, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepmey Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Land, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bewles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Hays, Neema Hays, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Gallie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Greve, Matilda McNair, Bettie Vann, Nelson Latt, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Galsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stread, John Sumpter, Harish Thompson, Ellen Sheppard and Lula Melton.

-2-

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

R-311.

Muskogee, Indian Territory, April 28, 1905.

John Sumpter,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-14, et al

Muskogee, Indian Territory, April, 20, 1908

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

(SIGNED) *Tame Dixby.*
Chairman

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1908.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

(SIGNED) *James Bixby*
Chairman.

2m-4
Mound 37

CHEROKEE NATION, I. T., }
Tahlequah DISTRICT. }

I, Rev H. A. Bureau, a Minister of the Gospel
hereby certify that on the 15 day of September, 1889
I joined in Marriage, Mr. John Sumpter, a citizen
of the United States, and Mrs Mary Meadows a citizen
of the Cherokee Nation, agreeable to the authority given in the within
License and the customs and laws of the Cherokee Nation.

Given under my hand this the 15 day of September
A. D. 188

Signed - H. A. Bureau, Minister
Methodist Church South

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
NOV 12 1901

I do hereby certify that the within
marriage of John Sumpter & Mary
Meadows has been Recorded in
the Clerk's Office of Tahlequah
District Cherokee Nation Ind Ter
this 14th October 1889.

Allen Ross
Clerk T. D. C. N.
Ind Ter

Marriage License.

CHEROKEE NATION, I. T.,)
Tahlequah DISTRICT.)

To Any Person Legally Authorized to Solemnize Marriage—Greeting :

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. John Sumpter, a citizen of the United States and Miss Mary Meadows, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office
this the 14th day of September
A. D. 1889

Allan Ross,
Clerk Tahlequah District.

This is to certify that above-named persons
were married by me, this day, Sept. 15. 1889.
W. A. Duncan, Minister of the Gospel.

Form 4
Memorandum

10

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
NOV 12 1901

[Signature]

ACTING CHAIRMAN

RECORDED & INDEXED

CHIEF OF BUREAU

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Nov. 12, 1901
 Post Office Tahlequah, P. Y.
 District Tahlequah

1. Name John Sumpter Age 51
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

2. Name of wife _____ Age _____
 Owners name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

Names of Children:

| No. | Year | Page | No. | Dist. |
|-----|------|------|-----|-------|
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
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| 11. | | | | |
| 12. | | | | |

Application made by W. S. Green Stenographer W. S. Green

~~2000. 2000. 2000.~~

Dr. Paul Thomas
mission to the

William Frederick,
Henry Thomas,
Evelyn Vail,
Milly Marshall,
Frances Weston,
John Dolan,
Mary Jane Vail,
Thomas Lowe,
Ella Maynard,
Saml Kiser,
Rudolf Campbell,
Vlad Jackson Bauer,
Giles Minton,
Milly Harris,
Nemie Field,
John Kinney,
William Beckwith,
Lola Bishop,
Albert H. Thomas,
Marilyn Chapman,
Clifford Dineen,
Marion Crosby,
Dave Morner,
Alvin Campbell,
Arthur Lewis,
Edna Ward,
Dora Deane,
Howard Johnson,
Howard Johnson,
Charles Peterson,
Charles Peterson.

[illegible]

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kinder Lupton,
 Thomas E. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charlie Williams,
 John J. Rose,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Rose,
 Charles C. Smith,
 Susie Colbert,
 William Skaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kinzie Vann,
 Freddie Looney,
 Lucy Chouteau,
 Alice Durant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beck,
 Ellie Warren,
 Mittie Robinson,
 Mary Webster,
 Frances Martin,
 Mary Riley,
 Emanuel Taylor,
 Henry Sykes,
 Larkin R. Powell,
 Stephen Dawn,
 Malinda Vann,
 Frances Johnson,
 Apple Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D—382,
 Cherokee Freedmen D—406,
 Cherokee Freedmen D—411,
 Cherokee Freedmen D—420,
 Cherokee Freedmen D—421,
 Cherokee Freedmen D—422,
 Cherokee Freedmen D—423,
 Cherokee Freedmen D—426,
 Cherokee Freedmen D—444,
 Cherokee Freedmen D—455,
 Cherokee Freedmen D—478,
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 Cherokee Freedmen D—681,
 Cherokee Freedmen D—692,
 Cherokee Freedmen D—696,
 Cherokee Freedmen D—699,
 Cherokee Freedmen D—722,
 Cherokee Freedmen D—726,
 Cherokee Freedmen D—741,
 Cherokee Freedmen D—743,
 Cherokee Freedmen D—743,
 Cherokee Freedmen D—752,
 Cherokee Freedmen D—752,
 Cherokee Freedmen D—760,

C.F.R. 311

Samuel L. Young,
 John Buckner,
 Willie Gou,
 Leonard Bowles,
 Malinda Marrell,
 Charles Claggott,
 Samuel Irvan,
 Mary Rose,
 Maggie Nave,
 Neoma Nave,
 Ella Rose,
 Elizabeth Duncan,
 Sadie Adams,
 Georgina Archer,
 John Claggott,
 Hattie Smith,
 Jack Jackson,
 Lela Sanders,
 George Handrig,
 Linnie West,
 Maria French,
 Mary Johnson,
 Maggie Vann,
 William Hudson,
 Sarah Rogers,
 Abraham Ballard,
 Laura David,
 John Deckman,
 James B. Perry,
 Isaac Welch,
 Lawson Logan,
 George Howell,
 Henry Mack,
 George Adams,
 Annie Thomas,
 Lewis McConnell,
 Callie Vann,
 Lou Peters,
 Ida Adair,
 Robert Brown,
 Allie Chambers,
 Jean Jones,
 Alice Gantes,
 Katie Adair,
 Carrie Martin,

Cherokee Freedmen D-741,
 Cherokee Freedmen D-780,
 Cherokee Freedmen D-781,
 Cherokee Freedmen D-787,
 Cherokee Freedmen D-788,
 Cherokee Freedmen D-789,
 Cherokee Freedmen D-790,
 Cherokee Freedmen D-791,
 Cherokee Freedmen D-800,
 Cherokee Freedmen D-816,
 Cherokee Freedmen D-840,
 Cherokee Freedmen D-871,
 Cherokee Freedmen D-880,
 Cherokee Freedmen D-891,
 Cherokee Freedmen D-912,
 Cherokee Freedmen D-922,
 Cherokee Freedmen D-928,
 Cherokee Freedmen D-972,
 Cherokee Freedmen D-997,
 Cherokee Freedmen D-999,
 Cherokee Freedmen D-1010,
 Cherokee Freedmen D-1039,
 Cherokee Freedmen D-1062,
 Cherokee Freedmen D-1067,
 Cherokee Freedmen D-1078,
 Cherokee Freedmen D-1082,
 Cherokee Freedmen D-1085,
 Cherokee Freedmen D-1105,
 Cherokee Freedmen E-39,
 Cherokee Freedmen E-45,
 Cherokee Freedmen E-49,
 Cherokee Freedmen E-54,
 Cherokee Freedmen E-76,
 Cherokee Freedmen E-82,
 Cherokee Freedmen E-83,
 Cherokee Freedmen E-86,
 Cherokee Freedmen E-94,
 Cherokee Freedmen E-96,
 Cherokee Freedmen E-99,
 Cherokee Freedmen E-100,
 Cherokee Freedmen E-102,
 Cherokee Freedmen E-104,
 Cherokee Freedmen E-106,
 Cherokee Freedmen E-106,
 Cherokee Freedmen E-107,

Benjamin Clark,
 Emily Dooney,
 John Groves,
 Matilda McNair,
 Bettie Vann,
 Nelson Lett,
 Fannie Rogers,
 William Washington,
 Squire Warren Owens,
 Fannie Goldeby,
 Susan Daniels,
 Anderson Turk,
 David Lane,
 Felix McClain,
 Henderson Jones,
 Belle Vann,
 Levi Stroud,
 John Sumpter,
 Matiah Thompson,
 Ellen Sheppard,
 Lula Melton,

Cherokee Freedmen R—108,
 Cherokee Freedmen R—110,
 Cherokee Freedmen R—112,
 Cherokee Freedmen R—117,
 Cherokee Freedmen R—122,
 Cherokee Freedmen R—125,
 Cherokee Freedmen R—129,
 Cherokee Freedmen R—131,
 Cherokee Freedmen R—143,
 Cherokee Freedmen R—144,
 Cherokee Freedmen R—146,
 Cherokee Freedmen R—148,
 Cherokee Freedmen R—155,
 Cherokee Freedmen R—165,
 Cherokee Freedmen R—173,
 Cherokee Freedmen R—181,
 Cherokee Freedmen R—196,
 Cherokee Freedmen R—311,
 Cherokee Freedmen R—330,
 Cherokee Freedmen R—337,
 Cherokee Freedmen R—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Chasle Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William S. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maudie Mantley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kendler Lupton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mattah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for, Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Philip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irvan for himself; by David Rose for his wife, Mary Rose; by George F. Nave for his wife, Maggie Nave; by Lewis Armstrong Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McCordell for himself; by Josh Vann for his wife, Ollie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ada Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Strand, John Sumpter, Mariak Thompson, Ellen Sheppard and Lala Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 23, 1896, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MURKOGNE, INDIAN TERRITORY, JANUARY 19, 1905.

Cher. Fr. R. 312

Tran. from Cher. Fr. Memo
No. 5

See Cher. Fr. R. 191, 313, 314

Cher. Fr. R. 312

C. You are living in the Territory except that
 That
 C. You are living in the Territory except that
 That
 C. You are living in the Territory except that
 That

By reason of the information recently proved for by the
 Cherokee Nation through its properly constituted authorities
 and which information was received temporarily by James Galt
 of the United States Court for the Northern District, Indian
 Territory, this Commission has no authority to receive, con-
 sider or make any record of this application, for the reason
 that the applicant is not listed in any of the tribal rolls
 of the Cherokee Nation now in the possession of the Commission,
 and it does not appear that she has ever been admitted to
 citizenship by the tribal authorities of the Nation, the Com-
 mission to the Five Civilized Tribes as provided in the Act
 of Congress approved June 14, 1898, or by the United States
 Court on appeal, and only a memorandum will be made of her
 application. A copy of the record of the proceedings will be
 forwarded to the Secretary of the Interior for his consid-
 eration, and final approval, and the applicant will be notified
 at a later date of the action of the Department on her ap-
 plication.

K. B. Green, being first duly sworn, deposes that as agent for the
 Commission to the Five Civilized Tribes he correctly recorded the
 testimony and proceedings in this case and that the foregoing is a
 true and correct transcript of his sworn depositions thereto.

M. B. Green

Subscribed and sworn to before me this January 10th, 1902.

[Signature]

Commissioner.

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Cherokee Freedman. Rejected, Memo.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 8th, 1902.

In the matter of the application of Isola Smith for the
enrollment of herself as a Cherokee Freedman;

Appearances:

A.S. McRea, Esq., Attorney for the applicant;
W.V. Hastings, of attorneys for the Cherokee Nation.

ISOLA SMITH, being sworn and examined, testified as follows:

BY COMMISSION:

- Q What is your name? A Isola Smith.
Q How old are you? A Twenty-three.
Q What is your post-office address? A Muskogee.
Q Do you make application to be enrolled as a Cherokee Freedman?
A Yes sir.
Q What is the name of your mother? A Charlotte Smith.
Q Is she living? A Yes sir.
Q Does your mother claim to be a Cherokee Freedman? A She does.
Q What is the name of your father? A Joseph Smith.
Q Is he living? A Yes sir.
Q Is he a Cherokee or a state man? A State man.
Q Do you desire to make application for the enrollment of any
one else besides yourself? A No sir.
Q Have you ever been recognized by the tribal authorities of the
Cherokee nation as a Freedman? A I don't understand that.
Q That is, have you ever been enrolled by the authorities of the
Cherokee nation? A No sir.
Q Have you ever drawn any money from the Cherokee nation? A No sir.
Q Did you ever apply to the tribal authorities for enrollment? A
No sir.
Q How long have you actually resided in the Cherokee Nation? A No
definite length of time.
Q Have you ever resided there? A No sir, I have never resided
there.
Q How long have you resided in the Creek nation? A About four years.
Q Where did you come from to the Creek nation? A Missouri.
Q Were you born in Missouri? A I was.
Q Did you live there continuously up until you came here four
years ago? A Yes sir.
Q You have never resided in the Cherokee Nation? A Never no def-
inite length of time.
Q Have you ever been in the Cherokee Nation? A Yes.
Q How long did you remain there? A No definite length of time.
Q Were you there on a visit? A Yes sir.
Q Did you remain a few weeks, or days? A Yes sir.

By Commission: The tribal rolls of the Cherokee Nation
in the possession of the Commission have been examined and
the name of the applicant is not found thereon.

BY MR. HASTINGS:

- Q How long have you been married? A I have been married about
six weeks or more.
Q Who married you? A Elmer Tyson.
Q Where? A Here in Muskogee.
Q What is the name of your husband? A Elmer Tyson.
Q Is he a citizen or a state man? A State man.
Q You came out on the train did you? A To Muskogee.
Q Yes. A Yes sir.

- Q You never lived anywhere in the Territory except Muskogee? A That is all.
- Q What year did you move down here? A It has been four years ago.
- Q You have been living here continuously now four years? A Yes sir.
- Q Come from Saint Louis here? A Yes sir.

BY COMMISSIONER: Isola Smith applies for the enrollment of herself as a Cherokee Freedman. She is not identified on any of the tribal rolls of the Cherokee Nation in the possession of the Commission.

By reason of the injunction recently prayed for by the Cherokee Nation through its properly constituted authorities and which injunction was granted temporarily by Judge Gill of the United States Court for the Northern District, Indian Territory, this Commission has no authority to receive, consider or make any record of this application, for the reason that the applicant is not identified on any of the tribal rolls of the Cherokee Nation now in the possession of the Commission, and it does not appear that she has ever been admitted to citizenship by the tribal authorities of the Nation, the Commission to the Five Civilized Tribes as provided in the act of Congress approved June 10, 1896, or by the United States Court on appeal, and only a memorandum will be made of her application. A copy of the record of the proceedings will be forwarded to the Secretary of the Interior for his consideration, and final approval, and the applicant will be notified at a later date of the action of the Department as regards her application.

K.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this January 10th, 1902.



Commissioner.

A.F.M.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Isola Smith as a Cherokee Freedman, consolidating the applications of--

Isola Smith,
Laurena Ezell,
Charlotte Smith,
Ida Kahler,

Cherokee Freedmen R-312,
Cherokee Freedmen R-313,
Cherokee Freedmen R-314,
Cherokee Freedmen R-316.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Isola Smith for herself; by Laurena Ezell for herself; by Charlotte Smith for herself; and by Ida Kahler for herself.

The evidence herein shows that the applicants, Isola Smith, Laurena Ezell and Ida Kahler are the children of the applicant Charlotte Smith; that they were born since 1866 and possess no rights to enrollment other than as descendants of the said Charlotte Smith.

The evidence further shows that the said Charlotte Smith was the slave of a Cherokee citizen at the commencement of the war of the rebellion, was taken out of the Cherokee Nation during said war and did not return thereto, and establish a residence therein, within the time specified in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation.

None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1860.

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It is, therefore, the opinion of this Commission that the applications for the enrollment of Isola Smith, Laurena Ruell, Charlotte Smith and Ida Kahler as Cherokee Freedmen, should be denied under the provisions of section twenty-one of the Act of Congress approved June 26, 1896, (30 Stat., 496); and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. E. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this AUG 25 1896

mdg

COMMISSIONER:
THOMAS B. HARRIS,
C. S. HARRIS,
W. G. HALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

| |
|------------------------------|
| NAME OF CASE TO BE PRESENTED |
| Cherokee Freedmen |
| 3-512-513-514-516. |

ADDRESS ONLY
COMMISSION TO THE FIVE CIVILIZED TRIBES

Hastings, Indian Territory, August 31, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Isela Smith, et al., rejecting the applications for the enrollment of Isela and Charlotte Smith, Laurena Mcell and Ida Kahler as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 3-69.


Chairman.

COPY.

Cherokee Freedman

B-312.

Muskogee, Indian Territory, August 31, 1904.

Isola Smith,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the Commission's decision, dated August 25, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McKee, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 3-64.

1510-11

Jame Dixby.
Chairman.

COPY.

Cherokee Freedmen

B-312-313-314-315.

Muskogee, Indian Territory, August 31, 1904.

A. S. Walker,

Attorney for Isola Smith, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 26, 1904, in the consolidated case of Isola Smith, et al., rejecting the applications for the enrollment of Isola and Charlotte Smith, Laurena Masli and Ida Kahler as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED, *Tama Birby,*
Chairman.

Encl. 3-44.

COPY.

Enrollee Freedmen
S-313-313-314-314

Waskogen, Indian Territory, August 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Inela Smith, et al., including the Commissioner's decision, dated August 23, 1904, rejecting the applications for the enrollment of Inela and Charlotte Smith, Laurena Macell and Ida Kuttler as Cherokee freedmen.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

Encl. 2-70.

Through the

Commissioner of Indian Affairs.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 27, 1904.

Land.

60578-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 31, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Isola Smith for herself; by Laurina Ezell for herself; by Charlotte Smith for herself, and by Ida Kahler for herself.

August 25, 1904, the Commission decided adversely to all the applicants.

The record shows that Charlotte Smith was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and did not return thereto and establish a residence therein prior to February 11, 1867; that the other applicants are her children born since 1866, and possess no rights to enrollment except through her. None of their names is identified on any roll pertaining to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

M. H. W.

A. C. Tonner

Acting Commissioner

(C O P Y)

W. C. F.

DEPARTMENT OF THE INTERIOR,

Y. P.

D C 39947-1904

WASHINGTON. October 15, 1904. FHE

I. T. D. 8194-1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 31, 1904, you transmitted the record in the consolidated case involving the applications for the enrollment, of Isola Smith for herself; of Laurena Ezell for herself; of Charlotte Smith for herself, and of Ida Kahler for herself, as Cherokee freedmen, including your decision of August 25, 1904, rejecting said applications.

Reporting in the matter September 27, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

1 inclosure.

Acting Secretary.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BUCKENBIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
No. 312, et al.

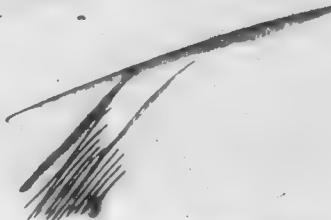
Muskogee, Indian Territory, October 28, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's
decision dated August 25, 1904, rejecting the applications
for the enrollment of Isola Smith, Laurena Ewell, Charlotte
Smith and Ida Kahler, as Cherokee freedmen, was affirmed
by the Secretary of the Interior on October 15, 1904.

Respectfully,



Chairman.

COPY

Cherokee Freedmen
R-312.

Muskogee, Indian Territory, October 28, 1904.

Isola Smith,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 15, 1904.

Respectfully,

Tamm Birby
Chairman.

COPY.

Cherokee Freedmen
B-312 et al.

Muskogee, Indian Territory, October 28, 1904.

A. S. Moren,

Attorney for Isola Smith, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of August 25, 1904, rejecting the applications for the enrollment of Isola Smith, Laurena Ezell, Charlotte Smith and Ida Kahler, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 15, 1904.

Respectfully,

James Kirby
Chairman.

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Tm-5

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 8 1902


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

Jan 8th 1902
 Muskogee, Ok.
 Creek Nation

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

1. 2. Name of wife S. Sola Smith Age 22

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father Joseph Smith Citizenship A. S.Mother Charlotte Smith Citizenship claims to be F. N.

Names of Children:

3. _____ Year _____ Page _____ No. _____ Dist. _____
 4. _____ Year _____ Page _____ No. _____ Dist. _____
 5. _____ Year _____ Page _____ No. _____ Dist. _____
 6. _____ Year _____ Page _____ No. _____ Dist. _____
 7. _____ Year _____ Page _____ No. _____ Dist. _____
 8. _____ Year _____ Page _____ No. _____ Dist. _____
 9. _____ Year _____ Page _____ No. _____ Dist. _____
 10. _____ Year _____ Page _____ No. _____ Dist. _____
 11. _____ Year _____ Page _____ No. _____ Dist. _____
 12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by W. L.Stenographer M. D. Green

Not on any roll.

7 Ref. Fr. R. 191.

Represented by Atty. A. S. McRae, Muskogee, Ok.

**END
OF
REEL**



